



6. Fractions of a rupee in the amount or value of a claim are to be rejected in calculating the fee payable thereupon.

7. In cases in which the subject matter of the claim does not admit of valuation, the Court shall fix a reasonable fee not less than five rupees, regard being had to the time occupied in the preparation and hearing of the case and the nature of the questions raised therein.

8. If several defendants or respondents, who have a joint or common interest, succeed upon a joint defence, or upon separate defences substantially the same, not more than one fee shall be allowed, unless the Court shall otherwise order for a reason which shall be recorded in the judgment. If only one fee be allowed, the Court shall direct to which of the defendants or respondents it shall be paid, or shall apportion it among the several defendants or respondents in such manner as the Court shall think fit.

9. If several defendants or respondents, who have separate interests, set up separate and distinct defences and succeed thereon, a fee for one legal practitioner for each of the defendants or respondents who shall appear by a separate legal practitioner, may be allowed in respect of his separate interests. Such fee, if allowed, shall be calculated, with reference to the value of the separate interest of such defendant or respondent, in the manner hereinbefore prescribed.

10. For each fee allowed under the two last preceding rules, the value of the stamp on one vakalatnama only shall be awarded as costs.

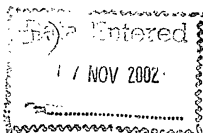
11. Except where an adjournment is made with the consent of all parties, or where, from insufficiency of notice, a party has not had reasonable time to prepare himself for trial, or where the adjournment is necessitated by a cause beyond the control of the party, an adjournment should not be granted save on the condition that the party applying pays all the costs of the day, including a reasonable fee not exceeding Rs. 10, to the legal practitioner engaged by his adversary.

12. The fee allowed on the percentage scale for prosecuting or defending a suit is intended to cover all proceedings up to decree; and where a suit is remitted for re-hearing and disposal or for a finding on issues, the proceedings on such order must be regarded as a further proceeding in the trial of the suit, and no further fee can be allowed in respect of such proceedings.

#### *Small Cause Courts.*

13. In suits under Act IX of 1887 (the Provincial Small Cause Courts Act) where costs are awarded by the Court, and where the certificate prescribed in rule 1 of these rules has been obtained, the fees payable in





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# British Enactments in Force in Indian States, Volume VI.

## CHAPTER I.—MADRAS STATES.

The Madras States Agency comprises the following States:—

Travancore,  
Cochin,  
Pudukkottai.  
Banganapalle.  
Sandur.

These States were in political relations with the Government of Madras until 1923 in which year they were placed in direct relations with the Government of India through the Agent to the Governor General, Madras States, Trivandrum.

In Travancore and Cochin there are special arrangements with regard to jurisdiction over European British subjects. In cases of a nature to be dealt with entirely by Magistrates, certain selected Magistrates who are themselves European British subjects and Christians, are allowed to exercise jurisdiction over European British subjects resident in the State and are empowered to award imprisonment up to three months or fine which may extend to one thousand rupees or both. Appeals in such cases lie to a Court of the State, of which the Judge is a Christian European British subject: and the proceedings are subject to the control of the Agent to the Governor General. Other cases according to their nature are committed by the same Magistrates, empowered as Justices of the Peace, either to the Agent as Court of Session or to the High Court at Madras. Appeals lie from the Agent's decisions to the same High Court.

In Banganapalle and Sandur sentences of death require the sanction of the Agent to the Governor General.

There are no Administered Areas.

The Railways in these States are included in the Southern Division of Railways according to the classification in Volume VIII.

## MADRAS STATES.

The following British enactments are in force in the Madras States :—

I.—Statutes.<sup>1</sup>II.—Acts of the Governor General in Council and of the Indian Legislature.—*See* Appendix II.

## III.—Orders under Statutes.

The Indian (Foreign Jurisdiction) Order in Council, 1902.—*See* 53 & 54 Vict., c. 37.  
Appendix I.

No. 580-D., dated the 26th January, 1917.—Printed in Appendix  
IV. 5 & 6 Geo.  
V, c. 61.  
5 & 6 Geo.  
V, c. 61.

<sup>2</sup>No. 2442-I. B., dated the 18th October, 1917.

<sup>1</sup> Not enumerated. *See* Preface to this Edition, paragraph 4.  
<sup>2</sup> *See infra*, p. 11.

**IV.—Orders under Acts of the Governor General in Council and of the Indian and Local Legislatures.**

**INDIAN CHRISTIAN MARRIAGE ACT, 1872.<sup>1</sup>**

*Marriage certificates to be sent to the Registrar General, Madras.*

*No. 464, dated the 3rd August, 1907.*—In exercise of the powers conferred upon him by section 83 and the second paragraph of section 86 of the Indian Christian Marriage Act, 1872, the Governor in Council hereby appoints under section 56 of the said Act, the Registrar-General of Births, Deaths and Marriages, Madras, as the officer to whom Marriage Registrars in the Native States of Travancore, Cochin, Pudukkottai, Sandur and Banganapalle shall send the certificates of marriage mentioned in section 54 of the said Act.

[*Fort St. George Gazette*, 1907, Pt. I, p. 966.]

*Delegation of certain powers.*

*No. 92-I, dated 20th February, 1924.*—In exercise of the power conferred by sub-section (2) of section 86 of the Indian Christian Marriage Act, 1872 (XV of 1872), the Governor General in Council is pleased, so far as regards the Indian States of the Madras States Agency, to delegate the powers and functions exercisable by him under sections 6, 8, 9, 47, 48, 56 and 84 of the said Act to the Agent to the Governor General, Madras States.

[*Gazette of India*, 1924, Pt. I, p. 157.]

*Fees and Rules.*

*No. <sup>367</sup>/<sub>233</sub>, dated the <sup>18th August 1905</sup>/<sub>25th April 1906</sub>.*—Not re-printed.

[*Fort St. George Gazette*, <sup>1905</sup>/<sub>1906</sub>, Pt. I, p. <sup>636</sup>/<sub>463</sub>.]

**EUROPEAN VAGRANCY ACT, 1874.**

*Provisions brought into force.*

*No. 4829, dated the 20th October, 1870.*—In exercise of the power vested in him by the last clause of section 2 of the European Vagrancy Act, 1869, His Excellency the Governor General in Council is pleased to extend sections 4 to 16 (both inclusive), 19, 20, 24 and 29 of the said Act to the Madras Presidency and the Lower Provinces of the Bengal Presidency, as well as to the dominions of Princes and States in alliance with Her Majesty situated within the limits of the Madras Presidency and the Lower Provinces, with effect from the date of the republication

<sup>1</sup> Marriage Registrars have been appointed by name and the notifications are therefore not printed here.

4 MADRAS STATES.—(IV.—Orders under Acts of the Governor General  
in Council and of the Indian and Local Legislatures.)

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of this notification in the respective local *Gazettes* of the Governments of Madras and Bengal.

[*Gazette of India*, 1870, Pt. I, p. 723.]

SEA CUSTOMS ACT, 1878.

*Travancore and Cochin ports declared to be British Indian ports.*

No. 1131, dated the 13th June, 1865.—Under the provisions of section 12 of Act VI of 1863<sup>1</sup> and in the exercise of the power and authority therein reserved, the Governor General in Council is pleased to declare the ports of the Native States of Cochin and Travancore to be British Indian ports for the purposes of section 18, section 141 and sections 149 to 160 of the same Act, in so far as the said sections or any of them are capable of being applied with respect to such ports. This declaration is to have effect from the 1st June 1865.

[*Gazette of India*, 1865, Pt. I, p. 780.]

INDIAN ARMS ACT, 1878.

*Exemption of certain persons from certain prohibitions and directions contained in the Act. Rules regarding the export of arms and ammunition from, and their import into, British India.*

No. F. 829-I.-22, dated the 3rd November, 1923.—(The Indian Arms Rules, 1924).—Printed in Appendix XXIII.

INDIAN SALT ACT, 1882.

*Remission of duty on salt exported from Madras to Travancore.*

No. 4352-S. R., dated the 16th August, 1901.—In exercise of the powers conferred by section 7, clause (b) of the Indian Salt Act, 1882 (XII of 1882), the Governor General in Council is pleased to remit the duty imposed under clause (a) of the said section on salt manufactured in the Province of Madras, where such salt is exported by land in accordance with such rules as the Governor in Council may make in this behalf, to the State of Travancore.

[*Gazette of India*, 1901, Pt. I, p. 608.]

MADRAS ABKARI ACT, 1886.

*Rules for transport of liquor and drugs through Cochin territory, and from one part of Cochin territory to another through British territory.*

No. 15, dated the 27th November, 1903.—Not re-printed.

[*Fort St. George Gazette*, 1903, Pt. II, p. 1655.]

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<sup>1</sup> See now the Sea Customs Act, 1878 (VIII of 1878) by s. 2 of which this notification is kept in force.



**ADDENDA ET CORRIGENDA**  
**TO**  
**VOLUME VI.**  
**BRITISH ENACTMENTS IN FORCE IN INDIAN STATES.**  
**(Fourth Edition.)**

**No. 1.**

*Page 5.—After the first entry, insert the following :—*

**No. 16, DATED THE 13TH AUGUST 1909.**

*Preamble.*

In virtue of the power delegated under clause XIII (10) of Government Notification No. 485, dated 13th July 1896, the Commissioner of Salt, Abkari and Separate Revenue hereby prescribes, under section 29 of the Madras Abkari Act I of 1886, the following rules governing the import, transport and export of liquor and intoxicating drugs prepared from the hemp plant in transit through British territory from one portion to another of a Native State or of a French Settlement in the Presidency of Madras :—

**NOTE.**—(1) The transport from one part of Cochin territory to another and one part of Travancore territory to another across the Shoranur-Cochin and Tinnevely-Quilon Railway lines will not be treated as transport through British territory. Transport through railway station compounds will, however, come within the scope of the rules.

(2) Rules Nos. 3-8, 10-12, and 14 do not apply to toddy drawn from Mysore trees which may be allowed to pass across British territory to Mysore shops on permits granted by the Mysore officials, provided they are countersigned by the Inspector of the Circle through which the toddy is being transported.

**RULES.**

1. No liquor or intoxicating drugs prepared from the hemp plant shall be transported through British territory except under, and in accordance with, a permit issued in accordance with the following rules. In the case, however, of consignments of liquor or intoxicating drugs passing from one Mysore Government treasury, stores or distillery to another treasury, stores or bonded depot, the Mysore Darbar will issue a permit to cover the consignment and send a copy of the same to the Inspector of the Excise Department of the Circle through which the consignment has to pass.

2. (a) Except in the case of permits issued to persons duly licensed to vend in British or French territory or in a Native State, no permit shall cover the transport of more than the undermentioned quantities of liquor and intoxicating drugs :—

*Country spirits.*—Eight drams throughout the Presidency except the Munagala and Lingagiri zamindaris of the Kistna district and certain villages of the Kistna  
*Price 1 anna or 1½d.]*

# British Enactments in Force in Indian States, Volume VI.

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## CHAPTER I.—MADRAS STATES.

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In Travancore and Cochin there are special arrangements with regard to jurisdiction over European British subjects. In cases of a nature to be dealt with entirely by Magistrates, certain selected Magistrates who are themselves European British subjects and Christians, are allowed to exercise jurisdiction over European British subjects resident in the State and are empowered to award imprisonment up to three months or fine which may extend to one thousand rupees or both. Appeals in such cases lie to a Court of the State, of which the Judge is a Christian European British subject: and the proceedings are subject to the control of the Agent to the Governor General. Other cases according to their nature are committed by the same Magistrates, empowered as Justices of the Peace, either to the Agent as Court of Session or to the High Court at Madras. Appeals lie from the Agent's decisions to the same High Court.

In Banganapalle and Sandur sentences of death require the sanction of the Agent to the Governor General.

There are no Administered Areas.

The Railways in these States are included in the Southern Division of Railways according to the classification in Volume VIII.

and Guntur districts bordering on the Nizam's Dominions for which the quantity fixed is one dram.

*Toddy.*—One gallon throughout the Presidency except the Munagala and Lingagiri zamindaris of the Kistna district and certain villages of the Kistna, Guntur, Bellary and Kurnool districts bordering on the Nizam's Dominions for which the quantity fixed is one dram, that for Kurnool Municipality alone being eight drams.

*Hemp drugs.*—Five tolas of ganja or charas and one seer of bhang and preparations or admixtures containing the above quantity.

(b) In the case of foreign liquor permits shall be necessary in all cases except where a quantity of perfumed spirits not exceeding 2 ounces or of other liquor not exceeding half a pint, is carried by a *bona fide* traveller in certain villages of the Godavari, South Arcot, Tanjore and Malabar districts bordering on French settlements.

3. The permits recognized under these rules shall be in printed forms and in duplicate. Each permit must bear a consecutive number and must be sealed with the private seal of the officer issuing the permit in addition to his office seal.

4. The period of currency of a permit must be regulated according to the distance the liquor or drug is transported, one day being allowed for every 15 miles by road or 70 miles by rail in addition to one day for despatch and one day for delivery in the case of consignments sent by rail.

5. Every consignment transported through British territories under these rules shall be accompanied by its permit, which must show the name of the transporter the quantity of liquor or intoxicating drugs covered by it, the route of transport, the period of currency and the officer before whom it should be taken for verification.

6. Where Customs stations are established between British territory and any Foreign Settlement or Native State, the route to be entered in a permit must always include at least one such Customs Station, the officer in charge of which, when the consignment passes through, will note on the reverse of the permit the condition of the packages and seals.

7. Whenever a permit is issued, the duplicate thereof, which should bear the impression of the same seals as have been placed on the original permit and on the consignment, should be forwarded by the officer issuing the permit to the officer appointed to verify the consignment.

8. Every package to be transported through British territories under these rules shall be sealed and the seals used shall be the same as those impressed on the permit (see rule 3).

9. Permits for transport under these rules shall not be recognized unless they are issued by officers specially appointed in that behalf by name or designation by the Chief Excise Officer of the territory in which the officers are to exercise their functions.

10. Every consignment will be verified on arrival at its destination by an officer appointed for the purpose by the Chief Excise Officer of the territory to which the consignment is transported.

11. Every officer appointed or authorized to issue permits under rule 9 *supra* must be kept informed of the name and designation of all officers authorized under rule 10 to verify consignments.

12. The names or designations of all officers appointed to issue permits and to verify consignments will be communicated to the Assistant Commissioner of the Excise Department whose division the Native State or French Settlement adjoins.

13. The officer issuing permits under rule 9 *supra* should furnish the Inspector of the Excise Department through whose circle the consignments are to be transported with a monthly list of permits issued in a form showing the names of the transporters, the numbers of the permits the dates on which they were issued, the route by which the consignments were required to be transported and the quantity covered by the permits.

14. On the arrival of the consignment at its destination, it shall be verified by the officer appointed for the purpose under rule 10 *supra*. He will examine the seals and weigh or measure each package, as the case may be, before opening it. He will then open each package and satisfy himself that the contents agree both as to nature and weight or measurement, as the case may be, with the entries in the permit and will enter the results of his verification on the reverse of the original and the duplicate permits, will return the original permit to the transporters and will forward the duplicate to the Inspector of the Excise Department of the circle across which the consignment has been transported for transmission to the officer who issued it.

15. Any Land Revenue officer not inferior in grade to a Revenue Inspector, any Excise officer not inferior in rank to a Sub-Inspector, or any Police officer not inferior in grade to a Head Constable, may inspect any consignment in transit in British territory and when he does so shall note on the reverse of the permit the condition of the packages and seals.

16. Any person found transporting liquor or intoxicating drugs in contravention of these rules will be dealt with in accordance with section 55 of the Madras Abkari Act.

17. No person who is found to have committed any breach of these rules shall be allowed to transport liquor or drugs through British territory under a permit issued in this behalf, and the name of any person detected in the commission of any such breach shall forthwith be communicated by the officer detecting the offence to the Assistant Commissioner of the Excise Department concerned who will arrange with the Chief Excise Officer of the territory from which the offender brought his liquor or intoxicating drugs, as the case may be, for the intimation of the offender's name to all persons authorized to grant permits. If any such person be subsequently found transporting liquor or intoxicating drugs even under a permit, such consignment shall be liable to confiscation.

[*Fort. St. George Gazette*, 1909, Pt. II, p. 1204.]

Registrars of Births and Deaths, for the classes who come under their cognisance by virtue of such appointment; and

<sup>1</sup> For this Notification see also Mysore State "Orders under Acts of the Governor General in Council and of the Indian and Local Legislatures", *infra*, p. 31. and Hyderabad State "Orders under Acts of the Governor General in Council and of the Indian Local Legislatures", Vol. V.

of this notification in the respective local *Gazettes* of the Governments of Madras and Bengal.

[*Gazette of India*, 1870, Pt. I, p. 723.]

SEA CUSTOMS ACT, 1878.

*Travancore and Cochin ports declared to be British Indian ports.*

No. 1131, dated the 13th June, 1865.—Under the provisions of section 12 of Act VI of 1863<sup>1</sup> and in the exercise of the power and authority therein reserved, the Governor General in Council is pleased to declare the ports of the Native States of Cochin and Travancore to be British Indian ports for the purposes of section 18, section 141 and sections 149 to 160 of the same Act, in so far as the said sections or any of them are capable of being applied with respect to such ports. This declaration is to have effect from the 1st June 1865.

[*Gazette of India*, 1865, Pt. I, p. 780.]

INDIAN ARMS ACT, 1878.

*Exemption of certain persons from certain prohibitions and directions contained in the Act. Rules regarding the export of arms and ammunition from, and their import into, British India.*

No. F. 829-I.-22, dated the 3rd November, 1923.—(The Indian Arms Rules, 1924).—Printed in Appendix XXIII.

INDIAN SALT ACT, 1882.

*Remission of duty on salt exported from Madras to Travancore.*

No. 4352-S. R., dated the 16th August, 1901.—In exercise of the powers conferred by section 7, clause (b) of the Indian Salt Act, 1882 (XII of 1882), the Governor General in Council is pleased to remit the duty imposed under clause (a) of the said section on salt manufactured in the Province of Madras, where such salt is exported by land in accordance with such rules as the Governor in Council may make in this behalf, to the State of Travancore.

[*Gazette of India*, 1901, Pt. I, p. 608.]

MADRAS ABKARI ACT, 1886.

*Rules for transport of liquor and drugs through Cochin territory, and from one part of Cochin territory to another through British territory.*

No. 15, dated the 27th November, 1903.—Not re-printed.

[*Fort St. George Gazette*, 1903, Pt. II, p. 1655.]

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<sup>1</sup> See now the Sea Customs Act, 1878 (VIII of 1878) by s. 2 of which this notification is kept in force.

*Resident empowered to permit the export of intoxicating drugs from the Madras Presidency to the Hyderabad State.*

<sup>1</sup>No. 117, dated the 20th March, 1924.—Under section 4 of the Madras Abkari Act (1886) and in exercise of all other powers enabling them in this behalf, the Government of Madras (Ministry of Education) hereby cancel clauses (b), (c) and (d) of Notification No. 273, dated 9th August, 1919, published on pages 993-997 of Part I of the *Fort St. George Gazette*, dated 12th August, 1919, and make the following appointments, viz.:—

#### APPOINTMENTS.

##### A.—Under sub-section (b).

\* \* \* \* \*

Local area to which applicable.

VII. The Residents in Mysore and at Hyderabad and the Agent to the Governor General, Madras States, to exercise all the powers of a Collector under sections 7 and 11 of the Act in respect of the issue of permits for the export of intoxicating drugs including cocaine and its substitutes to the Indian States of Mysore, Hyderabad, Travancore and Cochin, respectively, and for the transport of the drugs to the limits of British territory.

Throughout the Presidency.

\* \* \* \* \*

[*Fort. St. George Gazette*, 1924, Pt. I, p. 372.]

#### BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1886.

*Appointment of Registrars of Births and Deaths and of Registrar-General, Madras, to be Registrar-General for States.*

No. 339-I., dated the 25th January, 1889.—I. In exercise of the powers conferred by section 13 of the Births, Deaths and Marriages Registration Act, VI of 1886, the Governor General in Council is pleased to appoint—

- (1) All persons who have been, or may hereafter be, appointed Marriage Registrars under the Indian Christian Marriage Act, XV of 1872, in the Native States of Travancore, Cochin, Pudukkottai, Sandur and Banganapalle, to be Registrars of Births and Deaths, for the classes who come under their cognisance by virtue of such appointment; and

<sup>1</sup> For this Notification see also Mysore State "Orders under Acts of the Governor General in Council and of the Indian and Local Legislatures", *infra*, p. 31. and Hyderabad State "Orders under Acts of the Governor General in Council and of the Indian Local Legislatures", Vol. V.

- (2) The Chief Political Officer for the time being in charge of each of the above-mentioned States to be Registrar of Births and Deaths in respect of the classes of persons indicated in section 11, sub-section (1), clause (b), of the said Act, for such State.

II. For the purposes of section 24, sub-section (2), and section 32 of the said Act, the Governor General in Council is further pleased to appoint the Registrar-General of Births, Deaths and Marriages for the Presidency of Madras, for the time being, to be the Registrar-General for the States mentioned above.

[*Gazette of India*, 1889, Pt. I, p. 52.]

*Rules for Registrars in States.*

<sup>1</sup>No. 613-I. B., dated the 20th April, 1914.—Not reprinted.

[*Gazette of India*, 1914, Pt. I, p. 881.]

INDIAN FOREIGN MARRIAGE ACT, 1903.

*Fees.*

No. 341, dated the 11th August, 1904.—Printed in Appendix VII.

[*Gazette of India*, 1904, Pt. 1, p. 592.]

INDIAN EXTRADITION ACT, 1903.

*Offences under the Criminal Tribes Act declared to be extradition offences.*

No. 4806-I. B., dated the 17th November, 1919.—Printed in Appendix VIII.

*Rules under the Act.*

No. 1862-I. A., dated the 13th May, 1904.—Printed in Appendix VIII.

INDIAN LUNACY ACT, 1912.

*Reception and detention in asylums in the Madras Presidency of lunatics from Pudukkottai, Banganapalle and Sandur.*

<sup>2</sup>No. 1347-G., dated the 23rd August, 1918.—Printed in Appendix XI.

<sup>1</sup> Amended by Notification No. 679-I. B., dated the 3rd February, 1915. *Gazette of India*, 1915, Pt. I, p. 246.

<sup>2</sup> Cf. Notification No. 1346-G., dated the 23rd August, 1918. Printed in Appendix XI.

OFFICIAL TRUSTEES ACT, 1913.

*Inclusion of Madras States in the Presidency of Madras for purposes of the Act.*

No. 1450-D., dated the 19th March, 1914.—Printed in Appendix XII.

ADMINISTRATOR GENERAL'S ACT, 1913.

*Inclusion of Madras States in the Presidency of Madras for purposes of the Act.*

No. 1449-D., dated the 19th March, 1914.—Printed in Appendix XIII.

*Exercise of the powers and duties of a District Judge under the Act.*

No. 3542-I., dated the 27th August, 1891.—Printed in Appendix XIII.

INDIAN INCOME-TAX ACT, 1922.

*Modifications of income-tax when income-tax has been charged both in British India and in the Travancore State.*

No. 25, dated the 1st July, 1926.—Printed in Appendix XV.



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**V.—Local Laws.**

*Detention of lunatics from Pudukkottai, Banganapalle and Sandur in asylums in British India.*<sup>1</sup>

*No. 1346-G., dated the 23rd August, 1918.*—Printed in Appendix XI.

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<sup>1</sup> Cf. Notification No. 1347-G., dated the 23rd August, 1918. Printed in Appendix XI.

## VI.—Orders relating to Courts.

### *Execution of capital sentences in British India.*

*No. 1431-I., dated the 27th April, 1893.*—Printed in Appendix XIX.

### *Criminal law and procedure of British India applicable to British subjects in Indian States.*

*No. 1863-I. A., dated the 13th May, 1904.*—Printed in Appendix IV.

### *Jurisdiction of the High Court at Madras over European British subjects in Travancore and Cochin.*

*No. 2442-I. B., dated the 18th October, 1917.*—In exercise of the powers conferred by section 109, sub-section (1), of the Government of India Act, 1915 (5 & 6 Geo. V, Ch. 61), and in supersession of so much of the notifications of the Government of India in the Foreign Department, Nos. 119-J. and 120-J., dated the 9th August, 1875, as relates to the jurisdiction of the High Court of Judicature at Madras, the Governor General in Council is pleased to direct that until further orders original appellate and revisional criminal jurisdiction shall be exercised by the High Court of Judicature at Madras over European British subjects for the time being within the States of Travancore and Cochin.

[*Gazette of India*, 1917, Pt. I, p. 1701.]

### *Jurisdiction of the High Court at Madras over European British subjects in Pudukkottai, Banganapalle and Sandur.*

*No. 580-D., dated the 26th January, 1917.*—Printed in Appendix IV.

### *Sessions Court for the trial of European British subjects in Travancore and Cochin. Commitments by the Resident.*

*No. 2443-I. B., dated the 18th October, 1917.*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, and in supersession of so much of the notifications of the Government of India in the Foreign Department, Nos. 119-J. and 120-J., dated the 9th August, 1875, as have not been cancelled, the Governor General in Council is pleased to issue the following orders:—

- (a) The [Agent to the Governor General, Madras States]<sup>1</sup> shall exercise within the States of Travancore and Cochin the powers of a Sessions Judge in proceedings against European British subjects, and may in his discretion direct that trials

<sup>1</sup> Substituted by Notification No. 272-I., dated the 24th April, 1929. *Gazette of India*, 1929, Pt. I, p. 630.

of such subjects before him as Sessions Judge shall be conducted without the aid either of a jury or of assessors.

- (b) Commitments of European British subjects when made by the <sup>1</sup>[Agent to the Governor General] acting as a Justice of the Peace shall be made to the High Court of Judicature at Madras.

2. Nothing herein contained shall be deemed to interfere with the exercise of any powers with which any officer or person may be invested as a Judge of the States of Travancore and Cochin in pursuance of the arrangements<sup>2</sup> assented to by the Governor General in Council for the administration of criminal justice in the said States in cases where European British subjects are accused.

[*Gazette of India*, 1917, Pt. I, p. 1701.]

*Justices of the Peace in Pudukkottai, Banganapalle and Sandur to commit for trial to the High Court at Madras.*

No. 582-D., dated the 26th January, 1917.—Printed in Appendix IV. *Justices of the Peace invested with powers of Magistrates of the 1st Class and to hold inquests.*

No. 319-D., dated the 16th January, 1917.—Printed in Appendix IV. *Appointment of Justices of the Peace in Travancore and Cochin.*

No. 2441-I. B., dated the 18th October, 1917.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, and in supersession of the notifications of the Government of India detailed in the Second Schedule hereto annexed, to the extent specified therein, the Governor General in Council is pleased to appoint the persons for the time being holding the offices specified in the first column of the First Schedule hereto annexed, being European British subjects, to be Justices of the Peace within the territories of the States mentioned in the second column of the same Schedule opposite their respective names:

*First Schedule.*

| Office.   | States.                |
|---|------------------------|
| 1. <sup>3</sup> [The Agent to the Governor General, Madras States.]           | Travancore and Cochin. |
| 2. <sup>3</sup> [The Assistant Agent to the Governor General, Madras States.] |                        |
| 3. The European Judge of the Travancore High Court.                           | Travancore.            |
| 4. The Commissioner of Devikulam  |                        |
| 5. " " " " " "  |                        |

<sup>1</sup> Substituted by Notification No. 272-I., dated the 24th April, 1929. *Gazette of India*, 1929, Pt. I, p. 630.

<sup>2</sup> For these arrangements which relate to cases which may be dealt with entirely by Magistrates, see Trenties, Ed. 1909, Vol. X. p. 121, and the Introduction to this Chapter, *supra*, p. 1.

<sup>3</sup> Substituted and omitted by Notification No. 271-I., dated the 24th April, 1929. *Gazette of India*, 1929, Pt. I, p. 630.

*Second Schedule.*

| Notification.  | Extent to which cancelled.   |
|--|--|
| Foreign Department, Nos. 119-J. and 120-J., dated the 9th August, 1875.                  | So much as relates to the appointment of the Residents in Travancore and Cochin to be Justices of the Peace. |
| <sup>1</sup> Foreign and Political Department, No. 424-D., dated the 21st January, 1915. | } The whole.   |
| Foreign Department, No. 1632-I. A., dated the 25th April, 1902.                          |  |
| Foreign Department, No. 2642-I. B., dated the 8th December, 1911.                        |  |
| Foreign and Political Department, No. 1157-D., dated the 17th March, 1916.               |  |

[*Gazette of India*, 1917, Pt. I, p. 1701.]

*Appointment of Justices of the Peace in Pudukkottai, Banganapalle and Sandur.*

No. 273-I., dated the 24th April, 1929.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, and in supersession of the notification of the Government of India in the Foreign Department, No. 1829-I., dated the 29th May, 1894, the Governor General in Council is pleased to appoint the officer for the time being holding the office of Agent to the Governor General, Madras States, being a European British subject, to be a Justice of the Peace within the States of Pudukkottai, Banganapalle and Sandur.

[*Gazette of India*, 1929, Pt. I, p. 630.]

*Jurisdiction of Criminal Courts of Indian States over Indian officers and Soldiers of the Indian Army.*

Letter of the Government of India, No. 1389-I. A., dated the 18th April, 1905.—Printed in Appendix XX.

*Reciprocal service of summonses by Courts of the Madras States and Courts in British India.*

No. 323-I., dated the 15th May, 1929.—Printed in Appendix XXI-B.

*Reciprocal execution of decrees by Courts of the Madras States and Courts in British India.*

No. 321-I., dated the 15th May, 1929.—Printed in Appendix XXI-B.

<sup>1</sup> Substituted by Notification No. 2719-I. B., dated the 22nd November, 1917. *Gazette of India*, 1917, Pt. I, p. 1882.

## CHAPTER II.—MYSORE.

At the rendition of Mysore in 1881, the conditions upon which the administration of the State was transferred to His Highness the Maharaja were embodied in an Instrument of Transfer<sup>1</sup>. This Instrument was superseded by the Treaty of the 26th November 1913<sup>2</sup>, of which the following articles may be quoted here:—

8. The Maharaja of Mysore shall not object to the maintenance or establishment of British cantonments in the said territories whenever and wherever the Governor General in Council may consider such cantonments necessary. He shall grant free of all charge such land as may be required for such cantonments and shall renounce all jurisdiction within the lands so granted.

14. If the British Government at any time desires to construct or work, by itself or otherwise, a railway in the said territories, the Maharaja of Mysore shall grant such land as may be required for that purpose and shall transfer to the Governor General in Council plenary jurisdiction within such land.

15. The Maharaja of Mysore shall cause to be arrested and surrendered to the proper officers of the British Government any person within the said territories accused of having committed an offence in British India for whose arrest and surrender a demand may be made by the British Resident in Mysore, or some other officer authorised by him in this behalf; and he shall afford every assistance for the trial of such persons by causing the attendance of witnesses required and by such other means as may be necessary.

16. Plenary criminal jurisdiction over European British subjects in the said territories shall continue to be vested in the Governor General in Council and the Maharaja of Mysore shall exercise only such jurisdiction in respect to European British subjects as may from time to time be delegated to him by the Governor General in Council.

18. All laws and rules having the force of law, which existed at the time of the restoration of the said territories in 1881 and are shown in the schedule hereto annexed, shall, in so far as they are in force at the date of this Treaty, be maintained and efficiently administered, and, except with the previous consent of the Governor General in Council, the Maharaja of Mysore shall not repeal or modify such laws, or pass any laws or rules inconsistent therewith.

His Highness the Maharaja, on the 5th April, 1881, assigned to the exclusive management of the British Government the lands forming the Civil and Military Station of Bangalore.<sup>3</sup>

The Railway lands in the Mysore State over which jurisdiction has similarly been ceded are included in the Southern Division of Railways enumerated in Volume VIII.

The jurisdiction specifically reserved by Article 16 extends also to other Europeans, Americans and Government servants, as in other Indian States.<sup>4</sup>

Article 18 has been cited on account of the restriction which it imposes: but the laws retained in force and the amendments introduced with the sanction of the Government of India are laws of the Mysore State, and as such are outside the scope of this work.

<sup>1</sup> See Aitchison's Treaties, Vol. IX, 4th Edition, p. 231.

<sup>2</sup> See Notification No. 61-D., dated the 11th December, 1913. *Gazette of India*, 1913, Pt. I, p. 1331.

<sup>3</sup> See Aitchison's Treaties, Volume IX, 4th Edition, p. 235. For the present boundaries of the Civil and Military Station, see Notification No. 1527-I. A., dated the 26th April, 1907, *Gazette of India*, 1907, Pt. I, p. 306, and Notification No. 595-I. A., dated the 7th February, 1908, printed, *infra*, p. 171.

<sup>4</sup> In the Kolar Gold Fields cases against Europeans and Americans are dealt with by a special Magistrate of the Mysore State, who is ordinarily appointed also by the Governor General in Council to be a Justice of the Peace. All such charges, and the results of the trials, are reported to the Resident.

## MYSORE STATE.

The following British enactments are in force in the Mysore State:—

**I.—Statutes.**<sup>1</sup>

**II.—Acts of the Governor General in Council and of the Indian Legislature.**—*See* Appendix II.

**III.—Orders under Statutes.**—*See* page 17, *infra*.

**IV.—Orders under Acts of the Governor General in Council and of the Indian and Local Legislatures.**—*See* pages 17 to 32, *infra*.

**V.—Orders relating to Courts.**—*See* pages 33 to 35, *infra*.

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<sup>1</sup> Not enumerated. *See* the Preface to this Edition, paragraph 4.

### III.—Orders under Statutes.

& 54  
st., c. 37. The Indian (Foreign Jurisdiction) Order in Council, 1902.—See Appendix I.

2 6 Geo.  
s. 61. No. 580-D., dated the 26th January, 1917.—(Jurisdiction of High Courts over European British subjects.)—See Appendix IV.

### IV.—Orders under Acts of the Governor General in Council and of the Indian and Local Legislatures.

#### COURT FEES ACT, 1870.

*Service of processes of Courts in Mysore free of charge by Courts in the Bombay Presidency.*

No. 3287, dated the 25th June, 1888.—The following rules framed by the Hon'ble the Chief Justice and Judges of the High Court under sections 20 and 22 of the Court-fees Act, VII of 1870, confirmed by the Government of Bombay and sanctioned by the Governor General of India in Council are published for general information.

XIV. Processes issued by the Courts in Berar, Mysore, or by any of the Courts mentioned in the Government of India's Notification, No. 868-I. of 13th March, 1885, republished at page 419 of the *Bombay Government Gazette* for 1885, Part I, to which the provisions of section 650A of the Code of Civil Procedure have been applied shall be served free of charge by the Courts in the Bombay Presidency.

[*Bombay Government Gazette*, 1888, Pt. I, p. 597.]

#### INDIAN CHRISTIAN MARRIAGE ACT, 1872.

*Appointment of Marriage Registrar for the Civil and Military Station of Bangalore.*<sup>1</sup>

No. 1555-I., dated the 14th May, 1895.—In exercise of the powers conferred by section 8 of the Indian Christian Marriage Act (XV of 1872), the Governor General in Council is pleased to appoint the Collector of the Civil and Military Station of Bangalore, for the time being (being a Christian), to be a Marriage Registrar for the said Station.

[*Gazette of India*, 1895, Pt. I, p. 404.]

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<sup>1</sup> For the appointment of Marriage Registrar under the Act as locally applied to the Civil and Military Station, see Notification No. 4930, dated the 27th September, 1900. Printed *infra*, p. 239.

*Marriage certificates to be sent to the Registrar-General, Madras.*

No. 2903-I., dated the 17th July, 1889.—Under section 56 of the Indian Christian Marriage Act, 1872 (XV of 1872), and in supersession of Foreign Department Notification, No. 1762-G., dated the 31st August, 1875, the Governor General in Council hereby appoints the Registrar General of Births, Deaths and Marriages for the Presidency of Madras, for the time being, to be the officer to whom Marriage Registrars in Mysore shall send the certificates mentioned in section 54 of the Act.

[*Gazette of India*, 1889, Pt. I, p. 402.]

*Fees and Rules.*

No. 1586-E., dated the 29th August, 1892.—Printed in Appendix V.

*Supply of registers and forms.*

No. 1592-I. B., dated the 28th July, 1915.—In exercise of the powers conferred by section 84 of the Indian Christian Marriage Act, 1872 (XV of 1872), the Governor General in Council is pleased, so far as regards Christian subjects of His Majesty within the territories of His Highness the Maharaja of Mysore, to make the following rules in regard to the supply of registers and forms to the licensed ministers and marriage registrars in those territories:—

I.—The forms used by the licensed ministers and marriage registrars shall correspond to those used in the Madras Presidency.

II. The Superintendent, <sup>1</sup>[Government Press], Madras, will supply registers and forms on applications made to him through the Registrar-General of Births, Deaths and Marriages, Madras. One full set of registers and forms will be supplied free by the Superintendent, <sup>1</sup>[Government Press], to each minister licensed under section 6 and to each person licensed under section 9 to grant certificates of marriage between Native Christians and also to each marriage registrar. Additional registers and forms will be supplied to them by the Superintendent <sup>1</sup>[Government Press], on payment. Marriage registrars who are Government servants are exempt from any payment.

[*Gazette of India*, 1915, Pt. I, p. 1003.]

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<sup>1</sup> Substituted by Notification No. 137-I., dated the 26th March, 1924. *Gazette of India*, 1924, Pt. I, p. 253.



*Delegation of powers under sections 6, 8 and 9 to the Resident.*

No. 3747-I. B., dated the 1st October, 1897.—In exercise of the power conferred by section 86 of the Indian Christian Marriage Act, 1872 (XV of 1872), the Governor General in Council is pleased to delegate to the Resident in Mysore the powers and functions given to the Governor General in Council by sections 6, 8 and 9 of the said Act, as regards the Mysore State.

[*Gazette of India*,<sup>1</sup> 1897, Pt. I, p. 873.]

INDIAN ARMS ACT, 1878.

*Exemption of certain persons in Indian States from certain prohibitions and directions contained in the Act. Rules regarding the export of arms and ammunition from British India to Indian States and their import into British India from Indian States.*

No. F.-829-I-22, dated the 3rd November, 1923.—(The Indian Arms Rules, 1924).—Printed in Appendix XXIII.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1886.

*Appointment of (a) Registrars of Births and Deaths, (b) Registrar-General, Madras, to be Registrar-General for Mysore.*

No. 342-I., dated the 25th January, 1889.—In exercise of the powers conferred by section 13 of the Births, Deaths and Marriages Registration Act (VI of 1886), the Governor General in Council is pleased to appoint the undermentioned persons to be Registrars of Births and Deaths for the territories of Mysore, including the Civil and Military Station of Bangalore in respect of the classes of persons indicated in section 11, sub-section (I), clause (b) of the said Act, whom they baptise and whose funeral ceremonies they perform:—

(List of Ministers of Religion appointed by name not reprinted.)

II. \* \* \* \* \*

III. For the purposes of section 24, sub-section (2), and section 32 of the said Act, the Governor General in Council is further pleased to appoint the Registrar-General of Births, Deaths and Marriages for the Presidency of Madras, for the time being, to be the Registrar-General for the territories of Mysore, including the Civil and Military Station of Bangalore.

[*Gazette of India*, 1889, Pt. I, p. 53.]

No. 2360-I., dated the 6th July, 1893.—In exercise of the powers conferred by section 13 of the Births, Deaths and Marriages Registration

<sup>1</sup> Cancelled by Notification No. 2360-I., dated the 6th July, 1893, on this page.

Act, VI of 1886, and in supersession of Part II of the Foreign Department Notification No. 342-I., dated 25th January, 1889, the Governor General in Council is pleased to appoint the District Judge of the Civil and Military Station of Bangalore for the time being to be a Registrar of Births and Deaths for the territories of Mysore, including the Civil and Military Station of Bangalore, in respect of the classes of persons (other than those referred to in Part I of the notification quoted above) indicated in section 11, sub-section (I), clause (b), of the said Act.

[*Gazette of India*, 1893, Pt. I, p. 381.]

*Rules and Fees.*

*No. 3527-I. B., dated the 5th November, 1913.*—In exercise of the powers conferred by section 36 of the Births, Deaths and Marriages Registration Act, 1886 (VI of 1886), the Governor General in Council is pleased to make the following rules for the guidance of the Registrars of Births and Deaths in the Mysore State:—

1. In these rules, unless there is something repugnant in the subject or context:—

- (1) "The Act" means the Births, Deaths and Marriages Registration Act, 1886, as amended by the Births, Deaths and Marriages Registration (Amendment) Act, 1911.
- (2) "Schedule" means a schedule to these rules.
- (3) "Registrar-General" and "Registrar" mean, respectively, a Registrar-General of Births, Deaths and Marriages and a Registrar of Births and Deaths appointed under the Act: and
- (4) "Sign" used with reference to a person who is unable to write his name, includes mark and thumb-impression.

2. Notices of births and deaths shall be in the forms set forth in Schedule A and Schedule B, respectively.

3. Every such notice shall be signed by the person giving it, and shall specify the capacity in which the person claims to be authorised to give it and if such person does not attend personally before the Registrar, shall be attested by one of the following classes of persons:—

- (1) A Magistrate including an Honorary Magistrate;
- (2) A Government servant whose emoluments are not less than Rs. 100 per mensem;
- (3) A Government pensioner whose pension is not less than Rs. 50 per mensem;

- (4) A member of a District Board, Taluk Board or Union;
- (5) A Municipal Councillor;
- (6) Any person authorised to solemnize a marriage under the Christian Marriage Laws locally in force;
- (7) A Medical Officer in Government, Local Fund or Municipal employ or a private medical practitioner holding a University diploma;

Provided that the Registrar may either accept the evidence of two respectable private residents of the locality or, in cases where the informant belongs to one of the following classes, may dispense altogether with evidence of identity:—

- (1) A Gazetted Government officer;
- (2) A medical officer in Government, Local Fund or Municipal employ or a private medical practitioner holding a University diploma;
- (3) Any person authorised to solemnize a marriage under the Christian Marriage Laws locally in force;
- (4) Any person known to the Registrar personally.

The notice shall be filed separately and preserved permanently by the Registrar.

*Explanation.*—The classes of persons referred to in this rule include persons occupying positions therein specified either in British India or in Native States or administered areas under the political control of the Government of India.

4. Every such notice shall ordinarily be presented to the Registrar for the local area in which the birth or death occurred within three months of the birth or death to which it refers, as the case may be:

Provided that the Registrar may, of his own authority, for any reason which he considers sufficient and which shall be recorded in the column of remarks in the Register of Births or Deaths, accept notice of a birth or death at any time after its occurrence.

5. Registers of births and deaths shall be kept in the forms set forth in Schedule C and Schedule D, respectively.

6. When a registrar refuses to register a birth or death, he shall record the reasons for his decision in a register maintained in the form given in Schedule E.

7. If at the time of registration of a birth, the child has not been named, the informant or the parent of the child may forward subsequently to the Registrar, in duplicate, a statement giving the name, signed by the minister or other person responsible for the naming of the child.

The Registrar shall attach one copy of the statement to the entry of the birth in the register maintained by him and forward the second copy to the Registrar-General to be filed with the copy of the entry maintained in his office.

8. When a birth or death has occurred during a journey or when the person giving notice of a birth or death was compelled by duty or urgent necessity or unavoidable accident to leave the local area in which such birth or death occurred so soon after its occurrence that he was unable to give the prescribed notice to the Registrar for that local area, any Registrar may receive notice of such birth or death and register the same as if it were a birth or death which had occurred within the local area for which he has been appointed.

The provision of rule 4, as to the time within which notice of a birth or death must be given shall apply to every notice of a birth or death given under the circumstances described in this rule.

9. In every case of a birth or death admitted to registration under rule 8, the Registrar to whom the notice of the birth or death is given shall record in his register the reason why the notice was not given to the Registrar of the local area within which the birth or death occurred, and shall within one week from the date of the registration of the birth or death forward to the Registrar-General and to the Registrar of the local area within which the birth or death occurred, a copy of the entry in the register relating to the birth or death.

Every Registrar shall paste into a book kept by him for the purpose all copies of entries received by him under the rule, and the book containing the copies shall be, at all reasonable times, open to inspection by any person desiring to inspect it.

10. The Registrar for any local area including a port may register any birth or death which has occurred on the high seas on board any ship arriving at such port:

Provided that notice of the birth or death is given to such Registrar within sixty days after the arrival of the ship.

In the notice of such birth or death, and in the entry thereof in the register, there shall be specified, in lieu of the name of the place at which, the name of the ship on which the event occurred, and the name of the Commander of the ship and the approximate latitude and longitude of the ship's position at the time of the birth or death.

11. Every certificate of registration of a birth or death given by a Registrar under section 23 of the Act shall be in the form set forth in Schedule F.

12. At the foot of every copy of an entry given under section 25 of the Act, there shall be written a certificate, dated and subscribed by the Registrar, that the copy is a true copy of the entry.

13. Every Registrar shall keep in the form set forth in Schedule G, a register of all certificates of registration and copies of entries given by him.

14. The copies of entries of births and deaths which Registrars are required by section 24 of the Act to send to the Registrar-General, shall be certified in the form set forth in Schedule H, and shall be sent at intervals of three months, on or as nearly as possible after the 1st January, April, July and October in each year.

Should no entries be made in a register during the preceding three months, a certificate to this effect shall be sent to the Registrar-General.

15. A Registrar may, of his own motion, correct in manner prescribed in section 28 of the Act, any error in form made in an entry of a birth or death in a register of births or register of deaths kept by him under the Act.

In every case in which an entry is corrected under this rule, intimation thereof shall (if practicable) be communicated within one week from the date of the correction being made to the person who gave the notice of the birth or death.

16. When an error in substance in any entry of a birth or death in a register of births or register of deaths is asserted to have been made, the Registrar may correct the error, in manner prescribed in section 28 of the Act on application made in writing and signed in the presence of two witnesses attesting the signature by any person authorised under section 20 or 21, as the case may be, to give notice of the birth or death to which the entry relates:

Provided that the Registrar is satisfied that the application is well founded and that he places on record a memorandum of the evidence on which his opinion is based.

17. The sums specified in Schedule I shall be the fees payable under the sections of the Act there referred to:

Provided that soldiers and non-commissioned officers of His Majesty's Regular Forces and all seamen shall be exempted from the payment of any fees.

18. Every Registrar who is a Government servant and not a Minister of Religion shall keep a register, in the form set forth in Schedule J of all fees realised under these rules, and shall forward the fees at the end of each month to the nearest treasury to be credited to Government and the Treasury officer shall give the Registrar a certificate of the amount

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in Council and of the Indian and Local Legislatures.)

so credited. Registrars who are not Government servants or who are Ministers of Religion may retain for their own use any fees which they may realise under these rules.

SCHEDULES.

SCHEDULE A.

Notice of a Birth.

(Rule 2.)

To the Registrar of Births and Deaths for (local area or class).

I, A. B. (name, description, residence,) being (here state the capacity in which the person claims to be authorised to give the notice) hereby give notice, for the purposes of section 19, Act VI of 1886, that on (date) at (place) I, A. B. or my wife C. D. or C. D. (name and description), was delivered of a \_\_\_\_\_ and I request that the said birth of which full particulars are given below may be registered.

| Year. | Village and District. | State. | Place and date of birth. | Name of the child (if already named). | Sex. | Name and surname of father. | Name and maiden name of mother, religion and nationality. | Rank or profession, religion and nationality of father. | If birth occurred outside the Registrar's local area, reason why notice was not given to the Registrar within whose local area it occurred. |
|-------|-----------------------|--------|--------------------------|---------------------------------------|------|-----------------------------|---|---|---|
| 1     | 2                     | 3      | 4                        | 5                                     | 6    | 7                           | 8   | 9   | 10  |
|       |                       |        |                          |                                       |      |                             |   |   |   |

Signature of witnesses---

(1) Name.

Occupation.

Residence.

(2) Name.

Occupation.

Residence.

Signature.

Signature.

SCHEDULE B.

Notice of a Death.

(Rule 2.)

To the Registrar of Births and Deaths for (local area or class).

I, A. B. (name, description and residence) being (here state the capacity in which the person claims to be authorised to give the notice) hereby give notice, for the purposes of section 19, Act VI of 1886, that on (date) at place my (state relationship) C. D. (name and description), or C. D. (name and description), died of and I request that the said death of which full particulars are given below may be registered.

| Year. | Village and District. | State. | Place and date of death. | Name in full. | Sex. | Age. | Rank or profession, religion and nationality. | Cause of death. | Place of burial. | Names, race, religion, and occupation of parents. | In the case of a married woman or widow, name, race, religion and occupation of her husband or late husband. | If death occurred outside the Registrar's local area, reason why notice was not given to the Registrar within whose local area it occurred. |
|-------|-----------------------|--------|--------------------------|---------------|------|------|---|-----------------|------------------|---|--|---|
| 1     | 2                     | 3      | 4                        | 5             | 6    | 7    | 8   | 9               | 10               | 11  | 12   | 13  |
|       |                       |        |                          |               |      |      |   |                 |                  |   |  |   |

Signature of witnesses.

(1) Name.

Occupation.

Residence.

Signature

(2) Name.

Occupation.

Residence.

Signature.

SCHEDULE C.

*Register of Births.*

(Rule 5.)

1. Serial number.
2. Date of birth.
3. Place of birth.
4. Name, if any.
5. Sex.
6. Name, race, religion and occupation of father.
7. Name, race and religion of mother.
8. Name or signature, description and residence of person giving notice.
9. Signature, designation and residence of mother and person acknowledging himself to be father [column only to be used in the case referred to in section 19, proviso (b), and section 22, sub-section (3)].
10. Reason why notice was not given to Registrar within whose local area birth occurred (column only to be used in the case of a birth registered under rule 8).
11. Name, occupation and residence of witnesses who attest the notice (column to be used only when the person giving the notice does not appear personally before the Registrar).
12. Date of registration.
13. Signature of Registrar.
14. Rectification of error in entry.
15. Remarks.

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SCHEDULE D.

*Register of Deaths.*

(Rule 5.)

1. Serial number.
2. Date of death.
3. Place of death.
4. Name, sex, race, religion and occupation of deceased.
5. Names, race, religion and occupation of parents of deceased.



6. When deceased was a married woman or widow, name, race, religion and occupation of her husband or late husband.

7. Age of deceased.

8. Cause of death.

9. Name or signature, occupation and residence of persons giving notice.

10. Reason why notice was not given to Registrar within whose local area death occurred (column only to be used in the case of a death registered under rule 8).

11. Name, occupation and residence of witnesses who attest the notice (column to be used only when the person giving notice does not appear personally before the Registrar).

12. Date of registration.

13. Signature of Registrar.

14. Rectification of error in entry.

15. Remarks.

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SCHEDULE E.

*Register of Refusal.*

(Rule 6.)

1. Name, race, religion, occupation and residence of applicant.

2. Particulars of birth or death refused to be registered.

3. Reasons for refusal.

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SCHEDULE F.

*Certificate of Registration of Birth or Death.*

(Rule 11.)

Certified that I have this day registered the birth (or death) to which the entry in the Register of births (or deaths) of which a true copy is above written, relates.

Dated the                      of

A. B.

Registrar of Births and Deaths for (local area or class).

SCHEDULE G.

*Register of Certificates of Registration or copies of entries granted.*

(Rule 13.)

1. Serial number.
2. Name and residence of person applying for certificate or copy.
3. Date of application.
4. Nature of certificate or copy granted.
5. Date of grant of certificate or copy.
6. Fee paid.
7. Initials of Registrar.
8. Remarks.

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SCHEDULE H.

*Certificate of truth of copies of entries sent to Registrar-General.*

(Rule 14.)

Certified that the above, which contains entries from No. \_\_\_\_\_  
regarding \_\_\_\_\_ to No. \_\_\_\_\_ regarding \_\_\_\_\_ is a true copy of  
all the entries in the Register of Births (or Register of Deaths, as the  
case may be) kept by me for the three months ending the \_\_\_\_\_ day of  
19 \_\_\_\_\_.

Dated the \_\_\_\_\_ of \_\_\_\_\_

Signature.

Registrar of Births and Deaths for \_\_\_\_\_  
(local area or class).

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SCHEDULE I.

*Fees leviable under sections 23 and 25 of the Act.*

(Rule 17.)

- (i) Under section 23 for a certificate of registration of birth or death—  
—Re. 1.
- (ii) Under section 25 for search in a register of births or deaths—
  - (a) for the first year—Re. 1;
  - (b) for every additional year, four annas up to a maximum for one search of—Rs. 5.
- (iii) Under section 25 for each copy of an entry given by a Registrar  
Re. 1.

SCHEDULE J.

*Register of Fees.*

(Rule 18.)

1. Serial number.
2. Date of receipt.
3. From whom received.
4. On what account received.
5. Section of Act under which chargeable.
6. Amount of fee.
7. Signature of Registrar.
8. Signature of treasury official and date of receipt in treasury.
9. Remarks.

[*Gazette of India*, 1913, Pt. I, p. 1020.]

INDIAN RAILWAYS ACT, 1890.

*Taxes payable to local authorities in the Mysore State by the Madras and Southern Mahratta Railway.*

No. 230, dated the 24th August, 1911.—Printed Volume VIII, Southern Division.

INDIAN STAMP ACT, 1899.

*Remission of duty in British India on (a) bills of exchange and cheques drawn in Mysore, and (b) instruments executed in the Civil and Military Station of Bangalore on which the stamp duty chargeable there has been paid.*

<sup>1</sup>No. 3616-Exc., dated the 16th July, 1909.—In exercise of the powers conferred by section 9, clause (a), of the Indian Stamp Act, 1899 (II of 1899), the Governor General in Council is pleased to remit the duties \* chargeable in respect of instruments of the \* classes hereinafter described:—

\* \* \* \* \*

57. Bill of exchange drawn in Mysore, on which the full rate of stamp duty has been paid there, when the same is negotiated in British India.

<sup>1</sup> For similar remissions in Administered Areas under British Jurisdiction, see orders under the Indian Stamp Act, 1899, as applied to the various Administered Areas.

58. Cheque drawn in Mysore, on which the full rate of stamp duty has been paid there, when the same is negotiated in British India.

81. Instrument executed in the areas mentioned in the schedule hereto attached in respect of which the stamp duty with which it is chargeable under the stamp law for the time being in force in the said areas has been paid in accordance with the said law.

#### SCHEDULE.

8. The Civil and Military Station of Bangalore.

9. Railway lands in the Mysore State over which the Governor General in Council exercises jurisdiction.

[*Gazette of India*, 1909, Pt. I, p. 597.]

#### INDIAN FOREIGN MARRIAGE ACT, 1903.

##### *Fees.*

No. 341, dated the 11th August, 1904.—Printed in Appendix VII.

#### INDIAN EXTRADITION ACT, 1903.

##### *Secretary to the Resident to be a Political Agent.*

No. 421-I., dated the 26th June, 1928.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to appoint the Secretary to the Hon'ble the Resident in Mysore, for the time being, to exercise the powers of a Political Agent for the purposes of sections 7 and 8 of the Indian Extradition Act, 1903 (XV of 1903), for the Mysore State.

[*Gazette of India*, 1928, Pt. I, p. 607.]

*Offences under the Criminal Tribes Act declared to be extradition offences.*

No. 4806-I. B., dated the 17th November, 1919.—Printed in Appendix VIII.

*Desertion from the Mysore Lancers declared to be an extradition offence.*

No. 405-I., dated the 20th June, 1928.—Printed in Appendix VIII.

<sup>1</sup> Added by Notification No. 246-F., dated the 28th February, 1913. *Gazette of India*, 1913, Pt. I, p. 169.

*Rules under the Act.*

No. 1862-I. A., dated the 13th May, 1904.—Printed in Appendix VIII.

CODE OF CIVIL PROCEDURE, 1908.

(See Orders relating to Courts, *infra*.)

OFFICIAL TRUSTEES ACT, 1913.

*Inclusion of Mysore in the Presidency of Madras for purposes of the Act.*

No. 1450-D., dated the 19th March, 1914.—Printed in Appendix XII.

ADMINISTRATOR GENERAL'S ACT, 1913.

*Inclusion of Mysore in the Presidency of Madras for purposes of the Act.*

No. 1449-D., dated the 19th March, 1914.—Printed in Appendix XIII.

*Exercise of the powers and duties of a District Judge under the Act.*

No. 3542-I., dated the 27th August, 1891.—Printed in Appendix XIII.

INDIAN MOTOR VEHICLES ACT, 1914.

*Conditions subject to which motor vehicles from Indian States may be brought temporarily into British India.*

No. 627, dated the 6th July, 1916.—Printed in Appendix XIV.

MADRAS AKBARI ACT, 1886.

*Resident empowered to permit the export of intoxicating drugs from the Madras Presidency to the Mysore State.*

<sup>1</sup>No. 117, dated the 20th March, 1924.—Under section 4 of the Madras Akbari Act (1886) and in exercise of all other powers enabling them in this behalf, the Government of Madras (Ministry of Education) hereby cancel clauses (b), (c) and (d) of Notification No. 273, dated 9th August, 1919, published on pages 993-997 of Part I of the *Fort St. George*

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<sup>1</sup> For this Notification see also Madras States "Orders under Acts of the Governor General in Council and of the Indian and Local Legislatures", *supra*, p. 5, and Hyderabad State "Orders under Acts of the Governor General in Council and of the Indian and Local Legislatures", Vol. V.

32 MYSORE STATE.—(IV.—*Orders under Acts of the Governor General in Council and of the Indian and Local Legislatures.*)

*Gazette*, dated 12th August, 1919, and make the following appointments, viz. :—

APPOINTMENTS.

A.—*Under sub-section (b).*

\* \* \* \* \*

Local area to which applicable.

VII. The Residents in Mysore and at Hyderabad and the Agent to the Governor General, Madras States, to exercise all the powers of a Collector under sections 7 and 11 of the Act in respect of the issue of permits for the export of intoxicating drugs including cocaine and its substitutes to the Indian States of Mysore, Hyderabad, Travancore and Cochin, respectively, and for the transport of the drugs to the limits of British territory.

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[*Fort St. George Gazette*, 1924, Pt. I, p. 372.]

V.—Orders relating to Courts.

*British courts beyond the limits of British India empowered to send warrants for the execution of capital sentences to officers-in-charge of prisons in British India.*

No. 1431-I., dated the 27th April, 1893.—Printed in Appendix XIX.

*Criminal law and procedure of British India applicable to British subjects in Indian States.*

No. 1863-I. A., dated the 13th May, 1904.—Printed in Appendix IV.

*Jurisdiction of the High Court of Madras over European British subjects in Mysore.*

No. 580-D., dated the 26th January, 1917.—Printed in Appendix IX.

*Justices of the Peace to commit for trial to the High Court having jurisdiction.*

No. 582-D., dated the 26th January, 1917.—Printed in Appendix IV.

(a) *Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests.*

(b) *Powers of District Magistrate, Bangalore, in regard to European British subjects.*

No. 319-D., dated the 16th January, 1917.—Printed in Appendix IV.

*Appointments of Justices of the Peace for Mysore.*

No. 159-I. J., dated the 21st July, 1881.—In exercise of the powers conferred by section 6 of Act XXI of 1879<sup>1</sup> (the Foreign Jurisdiction and Extradition Act, 1879), the Governor General in Council is pleased to appoint the following gentlemen to be Justices of the Peace within the State of Mysore:—

(1) The Resident in Mysore for the time being, being a European British subject.

(2) The Chief Judge of Mysore for the time being, being a European British subject.

\* \* \* \* \*

[Gazette of India, 1881, Pt. I, p. 296.]

No. 12-I., dated the 3rd January, 1884.—In exercise of the powers conferred by section 6 of Act XXI of 1879<sup>1</sup> (the Foreign Jurisdiction and Extradition Act 1879), the Governor General in Council is pleased to

<sup>1</sup> See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix I.

appoint the Assistant<sup>1</sup> to the Resident at Mysore, for the time being, being a European British subject, to be a Justice of the Peace within the State of Mysore.

[*Gazette of India*, 1884, Pt. I, p. 2.]

No. 955-I., dated the 18th March, 1884.—In exercise of the powers conferred by section 6 of Act XXI of 1879<sup>2</sup> (the Foreign Jurisdiction and Extradition Act, 1879), the Governor General in Council, is pleased to appoint the officer for the time being holding the office of District Magistrate of the Civil and Military Station of Bangalore, being a European British subject, to be a Justice of the Peace within the State of Mysore.

[*Gazette of India*, 1884, Pt. I, p. 124.]

*Jurisdiction of Criminal Courts of Indian States over Indian officers and soldiers of the Indian Army.*

*Letter of the Government of India, No. 1389-I. A., dated the 18th April, 1905.*—Printed in Appendix XX.

*Service of summonses of Civil and Revenue Courts of the Mysore State—*  
(a) *by Courts in British India;*

No. 323-I., dated the 15th May, 1929.—Printed in Appendix XXI-B.

(b) *by Courts established or continued by the Governor General in Council.*

No. 322-I., dated the 15th May, 1929.—Printed in Appendix XXI-A.

*Execution of decrees of Civil and Revenue Courts of the Mysore State—*  
(a) *by Courts in British India;*

No. 321-I., dated the 15th May, 1929.—Printed in Appendix XXI-B

(b) *by Courts established or continued by the Governor General in Council.*

No. 322-I., dated the 15th May, 1929.—Printed in Appendix XXI-A.

*Service by Civil Courts of the Mysore State of summonses—(a) of Courts in British India;*

No. 323-I., dated the 15th May, 1929.—Printed in Appendix XXI-B.

(b) *of Courts established or continued by the Governor General in Council.*

No. 2622-I. B., dated the 24th December, 1912.—Printed in Appendix XXI-C.

<sup>1</sup> Now designated "Secretary to the Resident".

<sup>2</sup> See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in appendix I.



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*Execution by Civil Courts of the Mysore State of decrees—(a) of Courts in British India;*

*No. 321-I., dated the 15th May, 1929.—Printed in Appendix XXI-B.*

*(b) of Courts established or continued by the Governor General in Council.*

*No. 2623-I. B., dated the 24th December, 1912.—Printed in Appendix XXI-C.*

*Service of processes of Courts in Mysore free of charge by Courts in the Bombay Presidency.*

*No. 3287, dated the 25th June, 1888.—Printed supra, p. 17.*

*Service in the Mysore State of criminal processes of Magistrates in British India.*

*<sup>1</sup>No. 111, dated the 23rd July, 1878.—Under the authority of His Excellency the Viceroy and Governor General in Council, the Chief Commissioner directs that all criminal processes of whatsoever description, when issued by any Magistrate having jurisdiction in any District of British India, shall be acted upon and executed by all Magistrates and Police Officers in Mysore, under the same conditions and in the same manner, as if such process had been issued by a Magistrate having jurisdiction in Mysore.*

*[Mysore Gazette, 1878, Pt. I, p. 196.]*

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<sup>1</sup> This notification, issued while Mysore was under British administration, is among those included in the schedule attached to the Instrument of Transfer and is so kept in force.

CIVIL AND MILITARY STATION OF BANGALORE.

The following British enactments are in force in the Civil and Military Station :—

I.—Statutes.<sup>1</sup>

II.—Acts of the Governor General in Council and of the Indian Legislature.—*See* Appendix II.

III.—Orders under Statutes.—*See* page 38 *infra*.

IV.—Orders under Acts of the Governor General in Council and of the Indian Legislature.—*See* page 38 *infra*.

V.—Acts locally applied.—*See* pages 39 to 55 *infra*.

VI.—Local Laws.—*See* pages 57 to 201 *infra*.

VII.—Orders relating to Courts.—*See* pages 203 to 225 *infra*.

VIII.—Orders under Acts locally applied.—*See* pages 227 to 791 *infra*.

IX.—Orders under Local Laws.—*See* pages 793 to 853 *infra*.

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<sup>1</sup> Not enumerated. *See* Preface to this edition, paragraph 4.

38 CIVIL AND MILITARY STATION OF BANGALORE.—(III.—Orders under Statutes. IV.—Orders under Acts of the Governor General in Council and of the Indian Legislature.)

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III.—Orders under Statutes.

*No. 156, dated the 21st March, 1884.*—In continuance of G. G. O. 44 & 45 Vict. No. 488 of 1883, the Governor General of India in Council, in exercise of c. 58. the powers conferred by section 133 of the Army Act, 1881, is pleased to set apart the buildings or parts of buildings at the stations as hereinafter detailed as part of the military prisons at those stations, and they are hereby declared to be part of such military prisons (namely):—

*Bangalore.*—One cell-ward and guard room at the southern end of the north wing, and one cell-ward at the northern end of the south wing of the South Station Hospital.

[*Gazette of India*, 1884, Pt. I, p. 128.]

The Indian (Foreign Jurisdiction) Order in Council, 1902.—*See* 63 & 64 Vict., Appendix I. c. 37.

*No. 580-D., dated the 26th January 1917.*—(Jurisdiction of High 5 & 6 Geo. V. Courts over European British subjects).—*See* Appendix IV. c. 61.

IV.—Orders under Acts of the Governor General in Council and of the Indian Legislature.

The orders cited above<sup>1</sup> as in force in the Mysore State are also in force in the Civil and Military Station of Bangalore with the exception of the orders under the Indian Extradition Act, 1903, which do not apply.

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<sup>1</sup> Pages 17 to 32 *supra*.

**V.—Acts locally applied.**

*No. 261-I., dated the 24th April, 1929.*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased, in supersession of the notifications of the Government of India in the Foreign Department, and in the Foreign and Political Department, Nos. 2252-I. and 318-D., dated the 7th August, 1883, and 16th January, 1917, respectively and of all notifications amending the same, to declare that the enactments specified in the schedule hereto annexed shall apply to the Civil and Military Station of Bangalore, in so far as the same may be applicable thereto, and subject to any amendments to which the enactments are for the time being subject in British India:

Provided, first, that in the enactments as so applied (except where the context or the modifications hereinafter referred to otherwise require) references to a Local Government, the Chief Commissioner, the Chief Controlling Revenue-authority or the Chief Revenue-authority shall be read as referring to the Resident in Mysore; references to a Secretary to a Local Government as referring to the Secretary to the Resident in Mysore; references to a High Court as referring to the Court of the Resident in Mysore; and references to British India or the territories subject to a Local Government as referring to the said Civil and Military Station of Bangalore:

Provided, secondly, that the further modifications and restrictions set forth in the said schedule shall be made in the said enactments as so applied:

Provided, thirdly, that for the purpose of facilitating the application of the said enactments, any Court in the said Civil and Military Station of Bangalore may construe the provisions thereof and any notifications, orders, rules, forms or bye-laws thereunder, with such alterations not affecting the substance, as may be necessary or proper to adapt the same to the matter before the Court:

Provided, fourthly, that subject to the provisions of this notification the Resident in Mysore may direct by what officer any authority or power under the said enactments shall be exercisable:

Provided, fifthly, that all civil and criminal and other proceedings pending at the date of this notification shall be carried on as if this notification had not been issued, but that, save as aforesaid, all proceedings commenced, officers appointed or authorised, jurisdictions or powers conferred or confirmed, notifications published, rules or bye-laws made, orders passed and things done under any of the enactments specified in the notifications hereby superseded in the said Civil and Military

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Station of Bangalore shall be, as far as may be, deemed to have been respectively commenced, appointed or authorised, conferred or confirmed, published, made, passed and done under the corresponding enactments specified in this notification.

THE SCHEDULE.

Enactments applied.

Further modifications and restrictions.

*Act of Parliament.*

1. The Army Act (44 and 45 Vict., C. 58). Only section 156 shall be applicable.

*Acts of the Governor General in Council.*

2. The Judicial Officers' Protection Act, 1850 (XVIII of 1850). .....
3. The Apprentices Act, 1850 (XIX of 1850).
  - (1) The provisions of the Act shall be applicable only to European and Eurasian children.
  - (2) To section 3, the words "or required to find security for good behaviour" shall be added.
  - (3) In sections 19, 20 and 21, for the words "executors or administrators" the words "legal representatives" shall be substituted.
  - (4) Section 22 shall be omitted.
  - (5) In Schedule A, for the words "executors and administrators" the words "legal representatives" shall be substituted, and the words and letters "and seals" and "L. S." shall be omitted.
  - (6) In Schedule B, for the words "executors or administrators" the words "legal representatives" shall be substituted.
4. The Caste Disabilities Removal Act, 1850 (XXI of 1850). .....
5. The Indian Fatal Accidents Act, 1855 (XIII of 1855). .....
6. The Hindu Widows' Re-marriage Act, 1856 (XV of 1856). .....
7. The Societies Registration Act, 1860 (XXI of 1860). In section 13, for the words "principal Court of original civil jurisdiction of the district in which the chief building of the society is situate" the words "Court of the District Judge of the Civil and Military Station of Bangalore" shall be substituted.
8. The Indian Penal Code (Act XLV of 1860). In section 75, the words "British India" shall be read as referring to British India and the Civil and Military Station of Bangalore.
9. The Excise (Spirits) Act, 1863 (XVI of 1863). .....
10. The Foreigners' Act, 1864 (III of 1864). .....
11. The Native Converts' Marriage Dissolution Act, 1866 (XXI of 1866). .....

CIVIL AND MILITARY STATION OF BANGALORE.—(V.—*Acts locally applied.*) 41

| Enactments applied.  | Further modifications and restrictions.  |
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| 12. The Press and Registration of Books Act, 1867 (XXV of 1867). | .....  |
| 13. The Indian Divorce Act, 1869 (IV of 1869).                   | (1) The provisions of the Act as applied shall be applicable only to persons to whom the Special Marriage Act, 1872 (III of 1872), as applied to the Civil and Military Station of Bangalore, applies, and to persons not being British subjects who profess the Christian religion.<br>(2) The definition of "High Court" in section 3 (1) shall be omitted.  |
| 14. The Court-fees Act, 1870 (VII of 1870).                      | .....  |
| 15. The Cattle-trespass Act, 1871 (I of 1871).                   | .....  |
| 16. The Pensions Act, 1871 (XXIII of 1871).                      | .....  |
| 17. The Indian Evidence Act, 1872 (I of 1872).                   | (1) In sections 57, 74, 78 and 79, the words "British India" shall be read as referring to British India, the Civil and Military Station of Bangalore, and areas outside British India under the administration of the Governor General in Council.<br>(2) In exception 2 to section 91, the words "British India" shall be read as referring to British India, the territories of Mysore, including the Civil and Military Station of Bangalore, and areas outside British India under the administration of the Governor General in Council. |
| 18. The Special Marriage Act, 1872 (III of 1872).                | In section 17, after the words "the Indian Divorce Act" the words "as applied to the Civil and Military Station of Bangalore" shall be added.  |
| 19. The Indian Contract Act, 1872 (IX of 1872).                  | .....  |
| 20. The Indian Christian Marriage Act, 1872 (XV of 1872).        | (1) The provisions of the Act shall be applicable only to marriages between persons one of whom is a Native Christian subject of Mysore, and neither of whom is a Christian British subject.<br>(2) Sections 8, 28 to 36, 47 and 54 to 56 shall be omitted.  |
| 21. The Government Savings Banks Act, 1873 (V of 1873).          | .....  |
| 22. The Indian Oaths Act, 1873 (X of 1873).                      | .....  |
| 23. The Indian Majority Act, 1875 (IX of 1875).                  | In section 3, the words "British India" shall be read as referring to British India and the Civil and Military Station of Bangalore.   |
| 24. The Specific Relief Act, 1877 (I of 1877).                   | .....  |
| 25. The Opium Act, 1878 (I of 1878).                             | .....  |
| 26. The Indian Treasure Trove Act, 1878 (VI of 1878).            | .....  |
| 27. The Indian Arms Act, 1878 (XI of 1878).                      | .....  |

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| Enactments applied.                                      | Further modifications and restrictions.   |
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| 23. The Hackney-carriage Act, 1879 (XIV of 1879).        | <p>(1) The preamble, the third clause of section 1, the definition of "committee" in section 2, and section 4 shall be omitted.</p> <p>(2) In section 2, for the definition of "hackney-carriage" the following shall be substituted, namely:—</p> <p>"hackney-carriage" means any wheeled vehicle drawn or pushed by a man or horse, bullock or other animal and used for the conveyance of any person, which stands or plies for hire by the hour or day or according to distance.</p> <p>(3) In section 3, for the words from "The Lieutenant-Governors" to "municipality may" and the words "such municipality" respectively, the words "The Municipal Commission of the Civil and Military Station of Bangalore" and "the said Station" shall be substituted.</p> <p>(4) In section 6—</p> <p>(i) the words and figure "or section 4" shall be omitted;</p> <p>(ii) to clauses (a) and (b) the words "under this Act or any similar law for the time being in force in Bangalore City" shall be added; and</p> <p>(iii) in clause (c) after the word "granted" the words "including the grounds on which they shall be liable to be revoked or suspended" shall be inserted.</p> <p>(5) In section 8, the words "In any municipality" and from "and in any" to the end, shall be omitted.</p> <p>(6) The following shall be added as section 11, namely:—</p> <p>"11. <i>Penalty for injury of hackney-carriage.</i>—Any person using a hackney-carriage and wilfully or negligently injuring the same, shall, on conviction before a Magistrate, be punished with fine which may extend to twenty rupees and shall also pay to the owner such sum as compensation as the Magistrate may think fit, which shall be recoverable as if it were a fine."</p> <p>.....</p> |
| 29. The Kazis' Act, 1890 (XII of 1890).                  |   |
| 30. The Vaccination Act, 1890 (XIII of 1890).            | <p>(1) The second paragraph of section 1 and sections 3, 4, 5 and 20 shall be omitted.</p> <p>(2) In section 23, for the words "any municipality" the words "the Civil and Military Station of Bangalore" shall be substituted.</p>   |
| 31. The Municipal Taxation Act, 1891 (XI of 1891).       | <p>(1) In clause (a) of section 3, and in section 6, for the words "a municipality" the words "the Civil and Military Station of Bangalore" shall be substituted.</p> <p>(2) In section 5, for the words "Local Government" the words "Governor General in Council" shall be substituted.</p>   |
| 32. The Negotiable Instruments Act, 1881 (XXVI of 1881). | In section 11, the words "British India" shall be read as referring to British India and the Civil and Military Station of Bangalore.   |

| Enactments applied.   | Further modifications and restrictions.   |
|---|---|
| 33. The Indian Trusts Act, 1882 (II of 1882).                 | (1) In clause (d) of section 20, the words "British India" shall remain unmodified.<br>(2) To clause (d) of section 20, the words "in debentures or other securities of the Government of Mysore, or" shall be prefixed, and the words "or under the authority of the Governor General in Council" shall be added at the end of the clause.<br>(3) In clause (c) of section 20, and in section 73, the words "British India" shall be read as referring to British India and the territories of Mysore, including the Civil and Military Station of Bangalore.                                  |
| 34. The Transfer of Property Act, 1882 (IV of 1882).          | In the definition of "registered" in section 3 and in section 52, the words "British India" shall be read as referring to British India and the Civil and Military Station of Bangalore.  |
| 35. The Land Improvement Loans Act, 1883 (XIX of 1883).       | .....   |
| 36. The Indian Explosives Act, 1884 (IV of 1884).             | Section 2 shall be omitted.   |
| 37. The Indian Telegraph Act, 1885 (XIII of 1885).            | .....   |
| 38. The Suits Valuation Act, 1887 (VII of 1887).              | Part I shall be omitted.  |
| 39. The Provincial Small Cause Courts Act, 1887 (IX of 1887). | (1) Section 2 shall be omitted.<br>(2) To section 24, the following shall be added, namely:—<br>"or, where the presiding Judge is the District Judge to the Court of the Resident in Mysore."   |
| 40. The Measures of Length Act, 1889 (II of 1889).            | (1) The preamble, sub-sections (2) and (3) of section 1, and sections 3 and 7 shall be omitted.<br>(2) For section 2, the following shall be substituted, namely:—<br>"2. <i>Standard yard</i> .—The standard yard for British India shall be the legal standard measure of length in the Civil and Military Station of Bangalore and be called the standard yard." .....   |
| 41. The Indian Merchandise Marks Act, 1889 (IV of 1889).      | .....   |
| 42. The Revenue Recovery Act, 1890 (I of 1890).               | For section 8, the following shall be substituted, namely:—<br>"8. The provisions of this Act shall apply equally to—<br>(a) the recovery in the Civil and Military Station of Bangalore of any arrear of land-revenue accruing, or sum recoverable as an arrear of land revenue and payable to a Collector or other public officer or to a local authority, in any part of British India or in any local area, which is not part of British India but which is under the administration of the Governor General in Council, and to which the Revenue Recovery Act, 1890, has been applied; and |



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| Enactments applied.  | Further modifications and restrictions.   |
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| 42. The Revenue Recovery Act, 1890 (I of 1890)— <i>contd.</i>    | (b) the demand for the recovery in British India or in any such local area of any such arrear accruing, or sum so recoverable and payable, in the said Station.<br>S.A. The provisions of this Act shall also apply to the recovery in the Civil and Military Station of Bangalore of any arrear of land revenue or of any other sum which is, under section 193 of the Mysore Land Revenue Code, 1883 (Mysore Regulation IV of 1883), leviable in accordance with the provisions of Chapter XI of the said Code."  |
| 43. The Charitable Endowments Act, 1890 (VI of 1890).            | References to "the Local Government" shall be read as referring to the Governor General in Council.   |
| 44. The Guardians and Wards Act, 1890 (VIII of 1890).            | .....   |
| 45. The Indian Railways Act, 1890 (IX of 1890).                  | .....   |
| 46. The Prevention of Cruelty to Animals Act, 1890 (XI of 1890). | .....   |
| 47. The Bankers' Books Evidence Act, 1891 (XVIII of 1891).       | .....   |
| 48. The Partition Act, 1893 (IV of 1893).                        | .....   |
| 49. The Land Acquisition Act, 1894 (I of 1894).                  | .....   |
| 50. The Crown Grants Act, 1895 (XV of 1895).                     | .....   |
| 51. The Epidemic Diseases Act, 1897 (III of 1897).               | .....   |
| 52. The General Clauses Act, 1897 (X of 1897).                   | In clause (?) of section 3, the words "British India" shall remain unmodified, but in any other enactments, where this definition would otherwise apply, the words shall be read subject to the provisions of this notification.  |
| 53. The Code of Criminal Procedure, 1895 (Act V of 1895).        | (1) In proceedings against European British subjects and persons charged jointly with European British subjects, the Code applies without modification.<br>(2) In proceedings against persons other than European British subjects and persons jointly charged with European British subjects, the Code shall apply with the following modifications, namely:—<br>(a) Sections 22 and 25 shall be omitted.<br>(b) The High Court of Judicature at Madras shall be the High Court for the purposes of sections 99-B to 99-F.<br>(c) In sub-section (1) of section 503, after the words "such attendance and" the words "if such witness resides in any area to which this Code applies or in British India" shall be inserted. |

CIVIL AND MILITARY STATION OF BANGALORE.—(V.—Acts locally applied.) 45

| Enactments applied.   | Further modifications and restrictions.   |
|---|---|
| 54. The Indian Post Office Act, 1898 (VI of 1898).                  | .....   |
| 55. The Indian Stamp Act, 1899 (II of 1899).                        | <p>(1) In clause 16 (A) of section 2, the words "British India" shall be read as referring to British India and the Civil and Military Station of Bangalore.</p> <p>(2) Sections 57, 58 and 59 shall be omitted.</p> <p>(3) For sub-sections (1) and (2) of section 60, the following shall be substituted, namely:—</p> <p>"If any Court feels doubt as to the amount of duty to be paid in respect of any instrument under proviso (a) to section 35, the Judge may draw up a statement of the case and refer it, with his own opinion thereon, for the decision of the Court of the Resident in Mysore. The latter Court shall consider the case and send a copy of its decision to the Judge making the reference, who shall, on receiving such copy, dispose of the case conformably to such decision."</p>  |
| 56. The Indian Petroleum Act, 1899 (VIII of 1899).                  | .....   |
| 57. The Indian Arbitration Act, 1899 (IX of 1899).                  | .....   |
| 58. The Church of Scotland Kirk Sessions Act, 1899 (XXIII of 1899). | .....   |
| 59. The Prisoners Act, 1900 (III of 1900).                          | <p>Only the following sections shall apply as hereby modified, namely:—</p> <p>"29. <i>Removal of prisoners.</i>—(1) The Governor General in Council may, by general or special order provide for the removal of any person—</p> <p>(i) sentenced by a Court to—</p> <p>(a) death,</p> <p>(b) imprisonment or transportation, or</p> <p>(c) imprisonment in default of payment of fine, or</p> <p>(ii) ordered by a Court to be imprisoned for default of giving security for keeping the peace or for maintaining good behaviour</p> <p>to any prison in British India.</p> <p>(2) With the sanction of the Governor General in Council, the Resident in Mysore, may, in like manner, provide for the removal of any person sentenced or ordered to be imprisoned as aforesaid to any prison in the Mysore State.</p> <p>30. <i>Lunatic prisoners how to be dealt with.</i>—(1) Where it appears to the Resident in Mysore that any person detained or imprisoned under any order or sentence of a Court is of unsound mind, the Resident may, by a warrant setting forth the grounds of belief that the person is of unsound mind, order his removal to a lunatic asylum or other place of safe custody in the Mysore State so appointed with the sanction of the Governor General in Council there to be kept and treated as the Resident directs during the remainder of the term</p> |

| Enactments applied.   | Further modifications and restrictions.   |
|---|---|
| 59. The Prisoners Act, 1900<br>(III of 1900)— <i>contd.</i>     | <p>for which he has been ordered or sentenced to be detained or imprisoned or, if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the prisoner or others that he should be further detained under medical care or treatment, then until he is discharged according to law.</p> <p>(2) Where it appears to the Resident in Mysore that the prisoner has become of sound mind, the Resident shall, by a warrant directed to the person having charge of the prisoner, if still liable to be kept in custody, remand him to the prison from which he was removed, or to any other prison as provided by section 29, or, if the prisoner is no longer liable to be kept in custody, order him to be discharged.</p> <p>(3) When a person is confined in a lunatic asylum under sub-section (1) after the expiration of the term for which he was ordered or sentenced to be detained or imprisoned, it shall be lawful for two or more visitors of the asylum, of whom one shall be a medical officer, by writing under their hands, to order that he shall be discharged, provided that notice of such order shall be immediately communicated to the Resident in Mysore.</p> <p>(4) The time during which a prisoner is confined in a lunatic asylum under sub-section (1) shall be reckoned as part of the term of detention or imprisonment which he may have been ordered or sentenced by the Court to undergo."</p> <p>For the purpose of these sections, as applied, "Court" means any officer or tribunal in the Civil and Military Station of Bangalore lawfully exercising criminal jurisdiction and includes a Justice of the Peace appointed by the Governor General in Council within the Mysore State.</p> |
| 60. The Indian Works of Defence Act, 1903 (VII of 1903).        | .....   |
| 61. The Ancient Monuments Preservation Act, 1904 (VII of 1904). | .....   |
| 62. The Indian Coinage Act, 1906 (III of 1906).                 | .....   |
| 63. The Code of Civil Procedure, 1908 (Act V of 1908).          | <p>(1) In sub-section (5) of section 2, section 10, and sub-rules (4) and (5) of rule 49 of Order XXI in the First Schedule, the words "British India" shall be read as referring to British India and the Civil and Military Station of Bangalore.</p> <p>(2) In section 24—</p> <p>(i) after sub-section (1), the following sub-section shall be inserted, namely:—</p> <p>"(1a) If in any case in which it would have been competent to the High Court to exercise the power conferred by sub-clause (ii) of clause (b) of sub-section (1)—</p> <p>(a) there is no subordinate Court to which the suit, appeal or other proceedings can be transferred, or</p>   |

Enactments applied.

63. The Code of Civil Procedure, 1908 (Act V of 1908)—*contd.*

Further modifications and restrictions.

- (b) there is such subordinate Court but there is good reason why the suit, appeal or other proceeding should not be transferred to it, the High Court may make a report to the Governor General in Council who may, by notification in the *Gazette of India*, transfer such suit, appeal or proceeding to any Court in British India or in an Administered Area which would have been competent to try or dispose of such suit, appeal or proceeding if the cause of action had arisen within the local limits of its jurisdiction. The Court to which any such suit, appeal or proceeding is so transferred shall have jurisdiction to try or dispose of the same in accordance with the provisions of this Code."
- (ii) In sub-section (2) for the words and figure "under sub-section (1)" the words and figures "under sub-section (1) or sub-section (1a)" shall be substituted.
- (5) For sub-section (1) of section 25 the following shall be substituted, namely:—  
 "Where any party to a suit, appeal or other proceeding pending in the High Court objects to its being heard by the High Court and the Court is satisfied that there are reasonable grounds for the objection, the Court shall make a report to the Governor General in Council who may, by notification in the *Gazette of India* transfer such suit, appeal or proceeding to any High Court in British India or in an administered area. The Court to which any such suit, appeal or proceeding is so transferred shall have jurisdiction to try the same in accordance with the provisions of this Code."
- (4) In the proviso to section 29, after the word "summons" the words "are situate in British India or" shall be inserted.
- (5) For section 43, the following shall be substituted, namely:—  
 "43. *Execution of decrees of British Courts.*— Any decree passed by a Civil Court in British India or by any Court established or continued by the authority of the Governor General in Council may, if it cannot be executed within the jurisdiction of the Court by which it was passed, be executed in the manner herein provided within the jurisdiction of any Court, in the Civil and Military Station of Bangalore."
- (6) In section 45, before the words "any Court" the words "any Court situate in British India or to" shall be inserted.
- (7) For clause (b) of section 78, the following shall be substituted, namely:—  
 "(b) Courts situate in British India or in any other part of the British Empire, or"
- (8) To rule 25 of Order V in the First Schedule the following shall be added, namely:—  
 "Provided that, if the defendant resides in British India the summons may be sent for service to a Court (not being a High Court) having jurisdiction at the place where he resides and

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| Enactments applied.  | Further modifications and restrictions.  |
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| 53. The Code of Civil Procedure, 1908 (Act V of 1908)— <i>contd.</i> | if the Court returns the summons with an endorsement signed by the Judge or other officer of the Court that the summons has been served on the defendant in manner hereinbefore directed, such endorsement shall be deemed to be evidence of service."<br>(9) The provisions of rule 48 of Order XXI in the First Schedule shall apply only to those cases in which the salary or allowances are payable in the Civil and Military Station of Bangalore. |
| 64. The Explosive Substances Act, 1908 (VI of 1908).                 | In section 4, for the words "British India" in each place where they occur, the word "India" shall be substituted.   |
| 65. The Indian Limitation Act, 1908 (IX of 1908).                    | (1) In section 13, the words "British India" shall be read as referring to British India and the territories of Mysore including the Civil and Military Station of Bangalore.<br>(2) Sections 30 and 31 and the second schedule shall be omitted.  |
| 66. The Indian Criminal Law Amendment Act, 1908 (XIV of 1908).       | Sub-section (2) of section 1 shall be omitted.   |
| 67. The Indian Registration Act, 1908 (XVI of 1908).                 | (1) In section 33, the words "British India" shall remain unmodified.<br>(2) In sub-section (1) of section 33, after the words "executing the power-of-attorney resides" in clause (a), and after the words "does not reside" in clause (c), the words "in the Civil and Military Station of Bangalore or" shall be added.<br>(3) Section 67 shall be omitted.   |
| 68. The Whipping Act, 1909 (IV of 1909).                             | Section 6 shall be omitted.  |
| 69. The Indian Electricity Act, 1910 (IX of 1910).                   | (1) Sub-section (3) of section 1 shall be omitted.<br>(2) In section 3, the term "person" shall be deemed to include the person holding for the time being the office of Chief Electrical Engineer to the Mysore Government, or other officer designated from time to time in this behalf by the Mysore Government, with the approval of the Resident.   |
| 70. The Prevention of Seditious Meetings Act, 1911 (X of 1911).      | .....  |
| 71. The Indian Factories Act, 1911 (XII of 1911).                    | .....  |
| 72. The Indian Aircraft Act, 1911 (XVII of 1911).                    | (1) Sub-section (3) of section 1, and sub-section (2) of section 4, shall be omitted.<br>(2) In section 6, after the words "any rule made" the words "or notification issued" shall be inserted.   |
| 73. The Co-operative Societies Act, 1912 (II of 1912).               | .....  |
| 74. The Indian Lunacy Act, 1912 (IV of 1912).                        | (1) For clause (1) of section 3, the following shall be substituted, namely:—<br>“(1) ‘asylum’ means an asylum or mental hospital for lunatics established or licensed by the Resident in Mysore in the Civil and Military Station of Bangalore or appointed by the Resident with the consent of the Mysore Durbar   |

| Enactments applied.   | Further modifications and restrictions.   |
|---|---|
| 74. The Indian Lunacy Act, 1912 (IV of 1912)— <i>contd.</i>         | <p>and with the sanction of the Governor General in Council in the Mysore State or established or licensed by Government in British India.”</p> <p>(2) Sections 14, 15 and 67 shall be subject to the proviso that, if a lunatic is an inhabitant of a State in India, the Magistrate or Judge, as the case may be, may make him over to the care of such State with its consent and, in the case of an order under section 67, with the consent of the person on whose application the inquisition was instituted.</p> <p>(3) In sub-section (1) of section 31, for the word “Three” the words “Two or more” shall be substituted.</p> <p>(4) For section 84 the following shall be substituted, namely:—</p> <p>“84. <i>Resident in Mysore may establish or license the establishment of asylums or may appoint an asylum in the Mysore State.</i>—The Resident in Mysore may establish or license the establishment of asylums in the Civil and Military Station of Bangalore or with the consent of the Mysore Durbar and with the sanction of the Governor General in Council may appoint an asylum in the Mysore State.”</p> <p>(5) In section 85, after the words “class of lunatics” the words “to any asylum in the Mysore State appointed by the Resident with the consent of the Mysore Durbar and with the sanction of the Governor General in Council or” shall be inserted.</p> |
| 75. The Provident Insurance Societies Act, 1912 (V of 1912).        | .....   |
| 76. The Indian Life Assurance Companies Act, 1912 (VI of 1912).     | .....   |
| 77. The Wild Birds and Animals Protection Act, 1912 (VIII of 1912). | .....   |
| 78. The Official Trustees Act, 1913 (II of 1913).                   | <p>(1) In section 1—</p> <p>(i) for sub-section (2) the following shall be substituted, namely:—</p> <p>“(2) It extends to the Civil and Military Station of Bangalore and applies only to persons who are not subjects of His Majesty”; and</p> <p>(ii) sub-section (3) shall be omitted.</p> <p>(2) In section 2—</p> <p>(i) for clauses (1), (2) and (3) the following shall be substituted, namely:—</p> <p>“(1) ‘Government’ means the Resident in Mysore;</p> <p>(2) ‘High Court’ means His Majesty’s High Court of Judicature at Madras, in the exercise of its original civil jurisdiction;</p> <p>(3) ‘Official Gazette’ means the Mysore Residency Orders”; and</p> <p>(ii) clauses (5), (6) and (7) shall be omitted.</p>  |

| Enactments applied.   | Further modifications and restrictions.   |
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| 78. The Official Trustees Act, 1913 (II of 1913)— <i>contd.</i> | <p>(3) For section 3 the following shall be substituted, namely:—</p> <p>“3. For the purposes of this Act the High Court of Judicature at Madras shall have jurisdiction throughout the Civil and Military Station of Bangalore.”</p> <p>(4) In section 4—</p> <p>(i) for sub-section (1) the following shall be substituted, namely:—</p> <p>“(1) The Government shall appoint an Official Trustee for the Civil and Military Station of Bangalore”;</p> <p>(ii) in sub-section (2) the words “of any of the said Presidencies” shall be omitted; and</p> <p>(iii) for sub-section (3) the following shall be substituted, namely:—</p> <p>“(3) The said Official Trustee shall be called the Official Trustee of the Civil and Military Station of Bangalore.”</p> <p>(5) In section 6, for the words “Presidency for which he is appointed” the words “Civil and Military Station of Bangalore” shall be substituted.</p> <p>(6) In sub-section (3) of section 10, the words and figures “the Trustees’ and Mortgagees’ Powers Act, 1866, or” shall be omitted.</p> <p>(7) In section 15, for the word “Government” and for the words “Government or of the Government of India” in both places where the latter occur, the words “Mysore Assigned Tract” shall be substituted.</p> <p>(8) In sub-section (2) of section 17, for the word “Government” where it occurs for the second time, the words “Mysore Assigned Tract” shall be substituted.</p> <p>(9) In sub-section (2) of section 18, for the word “Government” where it occurs for the second time, the words “revenues of the Mysore Assigned Tract” shall be substituted.</p> <p>(10) In section 23, for the word “Government” the words “revenues of the Mysore Assigned Tract” shall be substituted.</p> <p>(11) In section 24—</p> <p>(i) in sub-section (1) after the word “Government” the words “from the revenues of the Mysore Assigned Tract” shall be inserted; and</p> <p>(ii) in sub-section (2) the words “against the Secretary of State for India in Council” shall be omitted.</p> <p>(12) Section 31 shall be omitted.</p> <p>.....</p> |
| 79. The Mussalman Wakf Validating Act, 1913 (VI of 1913).       |   |
| 80. The Indian Companies Act, 1913 (VII of 1913).               | <p>In sub-section (1) of section 245, the words “British India” shall be read as referring to British India and the Civil and Military Station of Bangalore.</p> <p>.....</p>   |
| 81. The Indian Copyright Act, 1914 (III of 1914).               |   |

| Enactments applied.                                     | Further modifications and restrictions.  |
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| 82. The Indian Motor Vehicles Act, 1914 (VIII of 1914). | <p>(1) Sub-section (2) of section 1 and the Schedule shall be omitted.</p> <p>(2) For sub-section (3) of section 1, the following shall be substituted, namely:—<br/>“(3) It shall come into force at once.”</p> <p>(3) In the proviso to section 6, for the words “by the Local Government” the words “under section 11” shall be substituted.</p> <p>(4) In section 11—<br/>(a) for sub-section (1) the following shall be substituted, namely:—<br/>“(1) Subject to the condition of previous publication and to confirmation by the Local Government, the Municipal Commission of the Civil and Military Station of Bangalore shall make rules for the purpose of carrying into effect the provisions of this Act and of regulating within the limits of the said Station the use of motor vehicles or any class of motor vehicles in public places.”</p> <p>(b) in sub-section (2), for the words “Local Government” wherever they occur, the words “Municipal Commission of the Civil and Military Station of Bangalore” shall be substituted; and</p> <p>(c) for sub-section (3) the following shall be substituted, namely:—<br/>“(3) All rules made under this section shall, when confirmed by the Local Government, be published in the Local Official Gazette and, on such publication, shall have effect as if enacted in this Act.</p> <p>(4) The Local Government may at any time rescind any rule made and confirmed under this section.”</p> <p>(5) In section 12, for the words “Local Government” the words “Municipal Commission of the Civil and Military Station of Bangalore” shall be substituted.</p> <p>(6) In section 15, the words “by the Local Government” shall be omitted.</p> <p>(7) The following shall be added as section 19, namely:—<br/>“19. <i>Savings.</i>—Any appointment, notification, order, rule, form or licence made or issued under the Bangalore Municipal Law, 1897, shall so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been issued under the provisions of this Act, unless and until it is superseded by any appointment, notification, order, form or licence made or issued under this Act.”</p> <p>(8) After section 19, the following section shall be added, namely:—<br/>“20. <i>Income and expenditure.</i>—The amount of any fees received and the amount of any expense incurred in giving effect to this Act shall be credited and debited respectively to the Municipal Fund of the Civil and Military Station of Bangalore.”</p> |



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| Enactments applied.   | Further modifications and restrictions.  |
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| 83. The Local Authorities Loans Act, 1914 (IX of 1914).               | .....  |
| 84. The Cinematograph Act, 1918 (II of 1918).                         | .....  |
| 85. The Usurious Loans Act, 1918 (X of 1918).                         | .....  |
| 86. The Poisons Act, 1919 (XII of 1919).                              | .....  |
| 87. The Provincial Insolvency Act, 1920 (V of 1920).                  | .....  |
| 88. The Indian Securities Act, 1920 (X of 1920).                      | .....  |
| 89. The Identification of Prisoners Act, 1920 (XXXIII of 1920).       | .....  |
| 90. The Cutchi Memons Act, 1920 (XLVI of 1920).                       | .....  |
| 91. The Auxiliary Force Act, 1920 (XLIX of 1920).                     | .....  |
| <i>Acts of the Indian Legislature.</i>                                |  |
| 92. The Maintenance Orders Enforcement Act, 1921 (XVIII of 1921).     | In section 3, the words "British India" shall remain unmodified and in section 10 they shall be read as referring to British India and the Civil and Military Station of Bangalore.  |
| 93. The Indian Income-tax Act, 1922 (XI of 1922).                     | (1) Sub-section (2) of section 7 and section 64 shall be omitted.<br>(2) After section 60, the following shall be inserted, namely:—<br>"60-A. Notwithstanding anything contained in this Act the Governor General in Council may, by notification in the Gazette of India, apply to the Civil and Military Station of Bangalore any rules under section 59 and any exemptions, reductions in rate or other modifications under section 60 of the Indian Income-tax Act, 1922, for the time being in force in British India subject to any amendments to which such rules, exemptions, reductions or modifications, are for the time being subject in British India and with such modifications or restrictions as may be specified in the notification, and any rules, exemptions, reductions or modifications so applied shall have effect in the Civil and Military Station of Bangalore as if made under this Act."<br>..... |
| 94. The Police (Incitement to Disaffection) Act, 1922 (XXII of 1922). | .....  |
| 95. The Indian Boilers Act, 1923 (V of 1923).                         | After section 31, the following section shall be inserted, namely:—<br>"31A. Notwithstanding anything contained in this Act, the Governor General in Council may, by notification in the Gazette of India, apply to the Civil and Military Station of  |

| Enactments applied.  | Further modifications and restrictions.  |
|--|--|
| 95. The Indian Boilers Act, 1923 (V of 1923)—<br><i>contd.</i> | Bangalore any regulations under section 28 of the Indian Boilers Act, 1923, for the time being in force in British India, subject to any amendments to which such regulations are for the time being subject in British India, and with such modifications or restrictions as may be specified in the notification, and any regulations so applied shall have effect in the said Civil and Military Station as if made under this Act."  |
| 96. The Workmen's Compensation Act, 1923 (VIII of 1923).       | Sub-section (3) of section 1 shall be omitted.   |
| 97. The Indian Paper Currency Act, 1923 (X of 1923).           | Only the following sections shall apply as hereby modified, namely:—<br>" 14. A universal currency note for the time being of British India and any currency note of the Madras circle of issue as established for the time being under the Indian Paper Currency Act, 1923, shall be legal tender for the amount expressed in the note in payment or on account of:<br>(a) any revenue or other claim to the amount of five rupees or upwards due to Government; and<br>(b) any sum of five rupees or upwards due by Government or by any body corporate or person.<br>25. No person shall draw, accept, make or issue any bill of exchange, hundi, promissory note or engagement for the payment of money payable to bearer on demand, or borrow, owe or take up any sum or sums of money on the bills, hundis or notes payable to bearer on demand, of any such person:<br><b>Provided</b> that cheques or drafts, payable to bearer on demand or otherwise may be drawn on bankers, shroffs or agents by their customers or constituents, in respect of deposits of money in the hands of those bankers, shroffs or agents and held by them at the credit and disposal of the persons drawing such cheques or drafts.<br>26. (1) Any person contravening the provisions of section 25 shall, on conviction by a Magistrate of the first class, be punishable with a fine equal to the amount of the bill, hundi, note or engagement in respect whereof the offence is committed.<br>(2) Every prosecution under this section shall be instituted by a person empowered in this behalf by the Resident in Mysore with the sanction of the Governor General in Council."<br>For sub-section (2) of section 1 the following shall be substituted, namely:—<br>" (2) It extends to the Civil and Military Station of Bangalore." ..... |
| 98. The Indian Official Secrets Act, 1923 (XIX of 1923).       |  |
| 99. The Criminal Tribes Act, 1924 (VI of 1924).                |  |
| 100. The Indian Soldiers' (Litigation) Act, 1925 (IV of 1925). | Sub-section (3) of section 1 shall be omitted.   |

54 CIVIL AND MILITARY STATION OF BANGALORE.—(V.—*Acts locally applied.*)

| Enactments applied.   | Further modifications and restrictions.  |
|---|--|
| 101. The Provident Funds Act, 1925 (XIX of 1925).             | Sub-section (3) of section 1 shall be omitted.   |
| 102. The Indian Succession Act, 1925 (XXXIX of 1925).         | <p>(1) Only sections 1 to 56, section 58 subject to the modification set out below, sections 59 to 263, sub-section (1) of section 264, sections 265 to 381, section 382 in the modified form set out below, sections 383 to 392, and Schedules I, II and IV to VIII shall apply.</p> <p>(2) Section 58 shall be modified as follows, namely:—<br/>In sub-section (1) the words “save as provided by section 57” shall be omitted.</p> <p>(3) Section 382 shall apply in the following modified form, namely:—<br/>“382. Where a certificate in the form of Schedule VIII to this Act has been granted under the provisions of this Act by a Court having jurisdiction under the Act in British India or under the Act as applied in any area outside British India which is under the administration of the Governor General in Council, or where a certificate in the form, as nearly as circumstances admit, of the said Schedule has been granted to a resident within a foreign State by the British representative accredited to the State, or where a certificate so granted has been extended in such form by such Court or by such representative, the certificate shall have the same effect as a certificate granted or extended under this Act.”</p> |
| 103. The Government Trading Taxation Act, 1926 (III of 1926). | In sub-section (3) of section 2, after the word “territory” the words “other than the territory of the Mysore State” shall be inserted.  |

*Acts of the Governor General.*

|   |       |
|---|-------|
| 104. The Indian States (Protection against Disaffection) Act, 1922. | ..... |
|---|-------|

*Regulation made by the Governor General in Council.*

|   |       |
|---|-------|
| 1. The Excise Regulation, 1915 (I of 1915). | ..... |
|---|-------|

*Acts of the Governor of Madras in Council.*

|   |  |
|---|--|
| 1. The Madras Revenue Summonses Act, 1869 (Madras Act III of 1869). | For the word “Tahsildars” wherever it occurs, the word “Amildars” shall be substituted.  |
| 2. The Places of Public Resort Act, 1888 (Madras Act II of 1888).   | <p>(1) For sub-section (3) of section 1, the following shall be substituted, namely:—<br/>“(2) It shall come into force on the first day of January 1913.</p> <p>(3) It extends to the Civil and Military Station of Bangalore as defined for the time being under the Bangalore Municipal Law, 1897.”</p> |

| Enactments applied.   | Further modifications and restrictions.  |
|---|--|
| 2. The Places of Public Resort Act, 1888 (Madras Act II of 1888)— <i>contd.</i> | <p>(2) After section 3, the following proviso shall be added, namely:—<br/> “Provided that the Resident in Mysore may, by order, exempt from the operation of this section any such enclosed place or building either generally or with reference to its use for any particular entertainment or class of entertainment.”</p> <p>(3) For section 5, the following shall be substituted, namely:—<br/> “5. Such application shall be made to the District Magistrate.”</p> <p>(4) In section 6, for the words “shall inspect” the words “may inspect” shall be substituted.</p> <p>(5) In sections 7 and 14, for the words “Governor in Council” the words “Resident in Mysore” shall be substituted: and in section 14, the words from “All such rules” to the end shall be omitted.</p> |
| 3. The Madras Medical Registration Act, 1914 (Madras Act IV of 1914).           | <p>(1) Sections 4 and 23 only shall apply.</p> <p>(2) For the purposes of the said Station a registered practitioner means a practitioner registered under the Madras Medical Registration Act, 1914.</p>  |

*Acts of the Madras Legislative Council.*

|  |   |
|--|---|
| 4. The Madras Court Fees (Amendment) Act, 1922 (Madras Act V of 1922). | In section 4, the words and figures “under section 14 of the Religious Endowments Act, 1863, or” shall be omitted.  |
| 5. The Madras Stamp Act 1922 (Madras Act VI of 1922).                  | <p>(1) In clause (bb) of the proviso to sub-section (1) of section 4, for the figures “1922” the figures “1923” shall be substituted.</p> <p>(2) In section 7—<br/> (i) the words “British India” wherever they occur shall remain unmodified; and<br/> (ii) the words “other than the Presidency of Madras” and the word “said” where it occurs for the first time shall be omitted.</p> |

*Acts of the Governor of Bombay in Council.*

|  |   |
|--|---|
| 1. The Khots Leases Act, 1865 (Bombay Act I of 1865).  | <p>(1) Only the preamble and sections 1 to 49 shall apply.</p> <p>(2) References to the “Governor in Council” shall be read as referring to the Resident in Mysore.</p> |
| 2. The Act for City Surveys and Amendment of Bombay Survey and Settlement Act, 1868 (Bombay Act IV of 1868). | .....   |

[*Gazette of India*, 1929, Pt. I, p. 597.]

## VI.—Local Laws.

*Inam Rules.*<sup>1</sup>

I. All grants of land, either free of tax or subject to a jodi (light assessment), and whether supported by Sannads or otherwise, shall be held to be valid, provided they are registered in Purniah's Inamti Account of 1800 to 1810.

II. *Rules I, II and III. What constitutes the validity of inams.*—Inams granted by the [late] Maharaja during His Highness' Administration between 1810 and 1831, for which Sannads and "Neroops" are forthcoming, shall also be held to be valid.

III. All other inams, not falling under the two foregoing divisions, no matter by whom granted, shall also be held valid upon the production of trustworthy "Sannads" or other genuine documentary evidence of their existence for the last 50 years.

IV. *Classification of inams.*—After the validity of the inam has been proved, each case will be disposed of as hereafter explained, according as it belongs to one or other of the following general classes:—

A. Grants or endowments made for the support of religious and charitable institutions and for the maintenance of persons therein rendering services.

B. Personal or subsistence grants.

C. Grants made by former Governments for service in the Revenue and Police Departments, which is no longer required.

D. Village service inams.

V. *Treatment of religious and charitable inams.*—All inams coming under Rules Nos. I, II, and III, which are held by religious and charitable institutions, and by persons therein rendering service, will be confirmed to their present holders so long as the institutions are

<sup>1</sup> These rules were made for the Mysore State. On its rendition and the assignment of the Civil and Military Station they were kept in force in the latter area by clause (1) of Notification No. 126-G. P., dated the 28th April, 1881, which runs as follows (the words in italics having been cancelled by Notification No. 2252-I., dated the 7th August, 1883. *Gazette of India*, 1883, Pt. I, p. 332):—

"(1) All laws, regulations and rules in force in the aforesaid lands on the twenty-fifth day of March, 1881, except the rules published under the Foreign Department notifications mentioned in the margin, shall be deemed to be now in force therein. All powers conferred by any such law, regulation or rule on the Local Government or the Chief Commissioner of Mysore shall be exercised in respect of the aforesaid lands by the Resident for the time being at the Court of Mysore." [*Gazette of India*, 1881, Pt. I, p. 178.]

Foreign Department Notifications Nos. 235 and 236-I. J., dated 27th August 1879. Nos. 241 and 252-I. J., dated 19th October 1879, and No. 31-I. J., dated 23rd January 1880.

It was subsequently amended and confirmed as amended by the letter of the Government of India, No. 3831-I., dated the 27th October, 1886.

The passages in the rules placed in [ ] or replaced by \* \* \* represent amendments sanctioned in the letter of the Government of India, No. 3831-I., mentioned above.

kept in good order, and service continued to be performed, according to the condition of the grant.

A. "*Kodaghi*" inams.—Inams granted for the construction and repair of wells, tanks, water-channels, and such like works, will not be interfered with so long as the works are kept in good order, and the terms of the grants are fulfilled.

VI. All personal inams are to be treated according to the terms of the Sannad under which they are held.

A. *Inams granted by competent authorities vesting the grantee with full powers of alienation will not be subjected to any quit-rent.*—All inams for which there are Sannads, vesting the grantee with full powers of alienation and absolute right of disposal, granted by competent authorities, such as the Emperors of Delhi, the late Maharaja, and his predecessors on the throne of Mysore, and by other independent Chiefs, the late Peishwas, and the Nizam, and not subsequently resumed or modified, will be confirmed, whether in the hands of the original grantees, their descendants or alienees without the imposition of an indemnification fee.

B. *Treatment of inams for which there are no Sannads, and those produced are of an hereditary character.*—Inams for which no Sannads are produced, or where the Sannads produced are of an hereditary character, and where the tenure is not specifically restricted are to be confirmed to the present holder and to his heirs, male or female, in direct succession, and to undivided brothers and cousins, and to persons whose adoptions were made in conformity with the Hindu Law.

C. *Enfranchisement at a uniform rate of one-eighth quit-rent, irrespective of the position of the present incumbent with regard to heirs.*—Option, however, will be given to the inamdar to render these grants perpetual, and alienable, by a payment of a quit-rent, equal to one-eighth assessment of the entire tenure, irrespective of his position with regard to heirs.

D. *Enfranchisement compulsory in the case of alienees.*—Enfranchisement of these inames in the hands of alienees is compulsory, and not optional as in the preceding clause.

E. *Compulsory enfranchisement at half quit-rent of recent inams less than 50 years old.*—All other personal inams, which are less than 50 years old, and not granted by competent authorities, are to be charged with half assessment without option.

F. *Quarter quit-rent in special cases.*—Indulgence will, however, be shown in cases in which there is a strong presumption in favour of an inam being 50 years old, and where the probability is equal on both sides, the intermediate rate of one-fourth quit-rent will be charged as a special case.

VII. *Fraudulent inams will be fully assessed.*—If the inam was founded on fraud and took its rise subsequent to 1831, it will be resumed and subjected to full assessment.

A. *Two-thirds quit-rent if the present holder is not a party to the fraud.*—But if the present incumbent was not a party to the fraud, indulgence will be shown by charging his inam with a quit-rent of two-thirds.

VIII. *Treatment of the several descriptions of village service and other grants.*—Grants by former Governments in remuneration for services, wholly or partially, discontinued in the Revenue and Police Departments, are of two kinds:—

A. Those which are no longer required, or rendered.

B. Inams still continued on condition of performing certain services which are seldom rendered, or cannot be made available for any useful public purpose: each class will be dealt with according to the following rules:—

C. *“Desamukhi” and such like grants to be treated as personal.*—Inams granted to “Desamuks”, “Desapandia”, and such like officers which are no longer required, and where a compromise has already been effected on the abolition of the service, are to be regarded as subsistence grants to be disposed of according to Rule VI and its clauses. Where no commutation of the service has been effected, the inams of these officers will fall under Clause F of this rule.

D. *Village service inams held for Government service will not be brought under the settlement, but simply registered for purposes of record.*—Inams held for village offices of revenue or police, the duties of which are still required to be performed, will only be registered in the present settlement for purposes of record, but they will be dealt with by the Survey and Settlement Department.

E. *Inams of artizans will be confirmed on their existing terms.*—But inams granted to artizans and others for services rendered to the village community will be confirmed as hereditary grants to the holders and their heirs, subject to the continued performance of the particular service for which they were granted.

F. *Treatment of grants for service not required or rendered. To be confirmed on rates not higher than half assessment at the option of the Inam Commissioner.*—In cases in which service may be no longer required, or is of a nominal nature, the inam will be confirmed to the holders as a permanent and alienable property subject to payment of a quit-rent not exceeding half assessment. This quit-rent will be charged in commutation both of the service thus discontinued and the right of reversion possessed by Government. The mode and the rate of commutation will be determined on a consideration of the nature of the service, and how long ago it ceased to be rendered or enforced, and the circumstances attending it in each case.

IX. *Proof of alienation required; in default, liable to full assessment.*—In the case of alienation of inams referred to in Rules VI and VII and their clauses, satisfactory proofs will be demanded either from entries in the public accounts, reliable documents in possession of the inamdars, or from the admission of the original grantees, or their recognized descendants, or undisturbed possession for the last 12 years. On failure of all proof of the alienees' title, the inams will be fully assessed.

X. *Survey, extent, and assessment to be adopted.*—The extent and assessment of inams recorded by the Survey Department will be invariably adopted in the inam settlement of the surveyed taluks.

A. *What extent and assessment to be adopted in unsurveyed talooks.*—In case of the Inam Commission outstripping the survey, the extent and assessment of inams given in the Inam Registers of 1810, or of a reliable subsequent account, will be adopted, leaving the excess to be charged after actual survey according to the course laid down in the following rule.

XI. *Treatment of excess in all descriptions of minor inams.*—In dealing with excess in inams, all excess over and above the rate of excess discovered in the Government lands of the village *plus* 10 per cent. will be charged with full assessment.

A. *Not to be charged if the excess is proved to be a portion of the inam itself.*—If the excess above the area recorded in the accounts or in the "Sannad" is proved to be within the limits mentioned in the grant itself or a separate "Hadnama", and where no room for encroachment existed, and if it is also proved to have been in the uninterrupted enjoyment of the inamdar for the last 50 years, it will be regarded as a part of the original inam, and no additional charge will be made even if it happens to exceed the indulgence shown in the preceding clause.

XII. *Inam settlement to be made with the registered holders, or with the head member of the family enjoying it.*—The settlement will be made either with the registered holders of the inam, or where none are registered, with the head member of the family enjoying the inam, who, according to existing practice, is alone considered responsible to Government. But this rule will not interfere with the enjoyment of subordinate shares in the inams by the other members of the family which will also be recorded on the register.

XIII. *Abandonment and non-appearance of inamdars how to be dealt with.*—When the inam has to all intents and purposes been entirely abandoned, there being no acknowledged owner in existence, or, if being in existence, he omits to come forward to claim it, and when the recorded possessor fails after due notice to appear to prove his title, such inam will, in the first instance, be placed under attachment by the [Assistant



Superintendent attached to the inam settlement]<sup>1</sup> and after the expiration of one year from the date of the notice will be held to be liable to be fully assessed to the public revenue.

XIV. *The quit-rent is to be an addition to the existing jodi.*—The quit-rent to be imposed under the rules being a consideration required in return for an extension of rights, will be exclusive of, and in addition to, any jodi with which the land may be already charged, but the additional quit-rent will vary according to the value of the holder's rights, and will be calculated not on the full assessment of the land, but on the difference between the full assessment and the jodi already existing, which represents the net value of the land to the inamdar.

XV. *Minimum rate of quit-rent and the mode of calculation.*—The minimum rate of quit-rent to be charged will be 2 annas, and it will not be calculated in terms lower than 2 annas when the amount is less than one rupee; it will be charged in terms of 4 annas for sums between one and five rupees; in terms of 8 annas for sums between five and ten rupees; and in terms of one rupee when the due amount exceeds ten rupees.

XVI. *Fractions will be avoided.*—Fractions will always be avoided in the quit-rent now imposed, and in the process of combining it with the old jodi.

XVII. *The nature of Government interference.*—Inams once converted into a permanent and alienable property under the rules will be subject to no further interference on the part of the Government, except such as may be necessary for the punctual realization of the quit-rent now charged, or the existing jodi thereon.

A. *Refusal of the redemption of the existing jodi and quit-rent now charged.*—Mysore being a Native State, the redemption of the existing jodi, or the present quit-rent, will not be permitted.

XVIII. *Treatment for grants made by the present Government.*—Inams granted by the Commissioner, with or without the sanction of the Government of India, will be confirmed according to the terms of the grant without any new quit-rent; any excess, however, will be charged full rates minus 10 per cent.

A. Grants made by the Mysore Government for a certain number of lives, or old inams restricted to one or more lives, will be made permanent and transferable by the payment of  $\frac{1}{8}$  quit-rent in the first life,  $\frac{1}{4}$  in the second and  $\frac{1}{2}$  in the third and subsequent lives.

XIX. *Interpretation of the term inam.*—The term inam is to be understood to apply also to whole inam villages, whether held entirely free of land tax, or on a favourable quit-rent, or jodi, and such villages

<sup>1</sup> Amendment sanctioned in the letter of the Government of India, No. 115-R., dated the 5th June, 1874.

will be dealt with upon the same principles as are above prescribed for minor inams.

XX. *Title deed to be presented to the inamdar in acknowledgment of his inam tenure.*—On the validity of an inam being established by inquiry conducted in accordance with the foregoing rules, a title-deed will at once be furnished under the signature of the Inam Commissioner acknowledging the title to the inam on behalf of the Commissioner for the Government of the Territories of His Highness the Maharaja of Mysore, specifying in it the nature and terms of the tenure.

XXI.<sup>1</sup> *Settlement so far as regards the right of Government to levy the annual quit-rent, and not to be questioned in any civil court.*—After settlement has been once made by the Inam Commissioner according to the foregoing rules, it shall not be competent for any judicial courts <sup>2</sup>[of the Civil and Military Station of Bangalore] to question the validity of his settlement, or the right to levy the quit-rent or annual payment imposed in commutation of the reversionary right of Government, and the concession now authoritatively made to make the inams permanent, heritable, and alienable.

XXII. *Appeals from proceedings of officers engaged in making such settlement to be made to the* <sup>2</sup>[Resident in] Mysore.—Appeals against the Inam Commissioner's decisions shall be made direct to the <sup>2</sup>[Resident in] Mysore.

XXIII. *Inam Commissioner not liable to be sued for any act bonâ fide done in his official capacity.*—The Inam Commissioner, duly authorized by the Government to conduct the inam settlement, shall not be liable to be sued in any Judicial Court for any *bonâ fide* act done, or ordered to be made in his official capacity.

XXIV. *Quit-rent how to be levied.*—All quit-rents payable under these rules shall be levied in the manner in which ordinary land revenue is recoverable, and the claim of Government to such quit-rents shall have precedence over any other debt, demand, whether in respect of mortgage, judgment, decree execution or attachment, or otherwise howsoever, against the lands, or the holder or holders thereof.

XXV. The Inam Commissioner and his Assistants shall exercise the powers conferred upon the ordinary Revenue Courts of the province under the provisions of the Mysore Revenue Procedure Code.

XXVI. All inamdars shall be liable to contribute their quota of the payments levied from all revenue-paying occupiers of land towards the repairs of irrigation channels and tanks under which they hold land, and also towards such other local cesses as may be imposed by competent authority.

<sup>1</sup> A revised rule was sanctioned in the letter of the Government of India, No. 333, dated the 17th October, 1868. But the original rule as here entered was restored by letter No. 1-R., dated the 4th January 1873.

<sup>2</sup> Substituted by the letter of the Government of India, No. 3831-I., dated the 27th October, 1886.

## TITLE DEED GRANTED TO

1. On behalf of the Commissioner for the Government of the Territories of His Highness the Maharaja of Mysore, I acknowledge your title to a personal inam, situated in the village of \_\_\_\_\_, in the Taluk of \_\_\_\_\_, of the District of \_\_\_\_\_, of the \_\_\_\_\_ Division, as per particulars mentioned in the annexed schedule.

2. This inam by the term of the Sannad is heritable and transferable, and it is confirmed to you, your heirs, or assignees on those terms in perpetuity, so long as you or they are faithful subjects of the State.

3. This inam is moreover subject to the payment of general, local and municipal taxes, and a proportionate share of the cost of the repairs of Government works of irrigation in common with ordinary kandayam ryots.

## . SCHEDULE.

| Extent of the Inam. |        | Former Jodi. | Present Quit-rent. | Combined Quit-rent. | Boundaries. |
|---------------------|--------|--------------|--------------------|---------------------|-------------|
|                     | Acres. | Assessment.  |                    |                     |             |
| Dry .               |        |              |                    |                     |             |
| Wet .               |        |              |                    |                     |             |
| Garden .            |        |              |                    |                     |             |

Dated

Inam Commissioner.

## TITLE DEED GRANTED TO

1. On behalf of the Commissioner for the Government of the Territories of His Highness the Maharaja of Mysore, I acknowledge the title of the Pagoda of \_\_\_\_\_ Swami, situated in the village of \_\_\_\_\_, in the Taluk of \_\_\_\_\_, of the District of \_\_\_\_\_, of the \_\_\_\_\_ Division, as per particulars shown in the annexed schedule.

2. This inam is confirmed to the Pagoda (free of tax) (or subject to the existing jodi of \_\_\_\_\_ rupees shown in column ) to be held

without interference so long as the conditions of the grant are duly fulfilled.

3. This inam is moreover subject to the payment of general, local and municipal taxes and a proportionate share of the cost of the repairs of Government works of irrigation in common with ordinary kandayam ryots.

SCHEDULE.

| Extent of the Inam. |        | Former Jodi. | Present Quit-rent. | Combined Quit-rent. | Boundaries. |
|---------------------|--------|--------------|--------------------|---------------------|-------------|
|                     | Acres. | Assessment.  |                    |                     |             |
| Dry .               |        |              |                    |                     |             |
| Wet .               |        |              |                    |                     |             |
| Garden .            |        |              |                    |                     |             |

*Dated*

*Inam Commissioner.*

TITLE DEED GRANTED TO

1. On behalf of the Commissioner for the Government of the Territories of His Highness the Maharaja of Mysore, I acknowledge your title to a personal inam, situated in the village of \_\_\_\_\_, in the Taluk of \_\_\_\_\_, of the \_\_\_\_\_ District, \_\_\_\_\_ Division, as per particulars mentioned in the annexed schedule.

2. This inam is hereditary only; and in event of the failure of lineal heirs, it will lapse to the State.

3. On your agreeing to pay an annual quit-rent of \_\_\_\_\_ mentioned in column \_\_\_\_\_ of the schedule, your inam tenure will be converted into a permanent and transferable property, and can be disposed of as you think proper, subject only to the payment of the above-mentioned quit-rent, and so long as you, your heirs, or assignees are faithful subjects of the State.

4. This inam is moreover subject to the payment of general, local and municipal taxes and a proportionate share of the cost of the repairs of Government works or irrigation in common with ordinary kandayam ryots.

## SCHEDULE.

| Extent of the Inam. |                    | Former Jodi. | Present Quit-rent. | Combined Quit-rent. | Boundaries. |
|---------------------|--------------------|--------------|--------------------|---------------------|-------------|
|                     | Acres. Assessment. |              |                    |                     |             |
| Dry                 |                    |              |                    |                     |             |
| Wet                 |                    |              |                    |                     |             |
| Garden              |                    |              |                    |                     |             |

*Dated**Inam Commissioner.*

Whereas you have agreed to convert your tenure into a heritable and transferable property, on the terms offered you in clause 3 (three) of this Deed, your inam is hereby confirmed to you in perpetuity, subject only to the payment of the annual quit-rent of                rupees mentioned in column                of the schedule.

*Dated**Inam Commissioner.*

## TITLE DEED GRANTED TO

1. On behalf of the Commissioner for the Government of the Territories of His Highness the Maharaja of Mysore, I acknowledge your title to a personal inam, situated in the village of               , in the Taluk of               , of the District of               , of the                Division, as per particulars shown in the annexed schedule.

2. This inam being an alienation from the original grantee's family, will be subject to the payment of an annual quit-rent of Rupees                shown in column                of the schedule, which is hereby imposed upon it in commutation of the claims of Government arising from your defective title. The inam is confirmed to you as a permanent and transferable property, and it can be disposed of as you think proper, subject only to

the payment of the above-mentioned quit-rent, and so long as you, your heirs, or assignees are loyal subjects of the State.

3. This inam is moreover subject to the payment of general, local and municipal taxes, and a proportionate share of the cost of the repairs of Government works of irrigation in common with ordinary kadayam ryots.

### SCHEDULE.

| Extent of the Inam |       | Former Jodi. | Present Quit-rent. | Combined Quit-rent. | Boundaries. |
|--------------------|-------|--------------|--------------------|---------------------|-------------|
|                    | Acres | Assessment.  |                    |                     |             |
| Dry .              |       |              |                    |                     |             |
| Wet .              |       |              |                    |                     |             |
| Garden .           |       |              |                    |                     |             |

*Dated*

*Inam Commissioner.*

TITLE DEED GRANTED TO

1. On behalf of the Commissioner for the Government of the Territories of His Highness the Maharaja of Mysore, I acknowledge your title to an inam originally granted for service, situated in the village of \_\_\_\_\_, in the Taluk of \_\_\_\_\_, of the District of \_\_\_\_\_, of the District of \_\_\_\_\_, of the \_\_\_\_\_, the particulars shown in the annexed schedule.

2. This inam being held for service now discontinued will be subject to the payment of an annual quit-rent of rupees as shown in column of the schedule, which is hereby imposed upon it, in commutation both of the service thus discontinued and of the reversionary interest possessed by Government in the inam. The inam is now confirmed to you as a permanent and transferable property, and can be disposed of as you think proper, subject only to the

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payment of the above-mentioned quit-rent, and so long as you, your heirs, or assignees are loyal subjects of the State.

3. This inam is moreover subject to the payment of general, local and municipal taxes and a proportionate share of the cost of the repairs of Government works of irrigation in common with ordinary kandayam ryots.

## SCHEDULE

| Extent of the Inam. |        | Former Jodi. | Present Quit-rent. | Combined Quit-rent. | Boundaries. |
|---------------------|--------|--------------|--------------------|---------------------|-------------|
|                     | Acres. | Assessment.  |                    |                     |             |
| Dry                 |        |              |                    |                     |             |
| Wet                 |        |              |                    |                     |             |
| Garden              |        |              |                    |                     |             |

*Dated*

*Inam Commissioner.*

## TITLE DEED GRANTED TO

1. On behalf of the Commissioner for the Government of the Territories of His Highness the Maharaja of Mysore, I acknowledge your title to a personal inam, situated in the village of \_\_\_\_\_, in the Taluk of \_\_\_\_\_, of the District of \_\_\_\_\_, of the

Division, as per particulars shown in the annexed schedule.

2. This inam is tax-free, and confirmed for two lives only, but it is not otherwise transferable; and on the expiration of the limited term above-mentioned it will lapse to the State.

3. On your agreeing to pay an annual quit-rent of Rupees \_\_\_\_\_ mentioned in column \_\_\_\_\_ of the schedule, your inam tenure will be converted into a permanent and transferable property; and the inam can be disposed of as you think proper, subject only to the payment of the above-mentioned quit-rent, and so long as you, your heirs, or assignees are loyal subjects of the State.

4. This inam is moreover subject to the payment of general, local and municipal taxes and a proportionate share of the cost of the repairs of

Government works of irrigation in common with ordinary kandayam ryots.

SCHEDULE.

| Extent of the Inam. |        | Former Jodi. | Present Quit-rent. | Combined Quit-rent. | Foundation. |
|---------------------|--------|--------------|--------------------|---------------------|-------------|
|                     | Acres. | Assessment.  |                    |                     |             |
| Dry .               |        |              |                    |                     |             |
| Wet .               |        |              |                    |                     |             |
| Garden .            |        |              |                    |                     |             |

*Dated*

*Inam Commissioner.*

Whereas you have agreed to convert your tenure into a permanent and alienable property on the terms offered you in clause ( ) of this Deed, your inam is hereby confirmed to you in perpetuity, subject only to the payment of the annual quit-rent therein mentioned, viz.,

*Dated*

*Inam Commissioner.*

[*Mysore Gazette*, 1868, Supplement, 13th June.]

<sup>1</sup>*Rules for the restoration of inam lands unauthorizedly alienated from religious or charitable institutions.*

<sup>1</sup>*No. 266, dated the 17th November, 1877.*—Under the sanction of the Government of India, conveyed in their letters Nos. 89-R. and 105-R., dated 13th September and 29th October 1877, respectively, the following rules providing for the restoration of inam lands unauthorizedly alienated from the religious or charitable institutions to which they were originally assigned, are published for general information:—

I. All inam lands granted to religious and charitable institutions, and for the maintenance of persons rendering service therein, will be confirmed and continued to them, so long as the conditions of the grant are duly fulfilled.

II. Whenever it is found that such lands are diverted from the object for which they were granted, by means of sale, gift, mortgage or otherwise, the following rules shall be observed:—

A. Where such alienations were made prior to 31st January 1853, but within 50 years computing the period of possession up to 14th December

<sup>1</sup> Footnote 1 on page 57 *supra* applies equally to these rules.



1867, the lands or villages so alienated will, if not restored voluntarily by the holder, be confirmed and subjected to a jodi of one-half the assessment the jodi or assessment so imposed being payable direct to the institution from which they were alienated.

B. In the case of alienations made subsequent to 31st January 1853, a notice will be issued to the alienee or alienees requiring him or them to restore the lands to the institution to which they belong, within six months from the date on which the notice is served on the alienee or alienees or his or their agent or manager who may be in charge of the lands, and on default of compliance, the lands will be summarily resumed and restored to the institution by the revenue authorities under instructions from the Inam Superintendent.

C. In the case of a simple mortgage or hypothecation of the inam lands, without possession, the transaction will be declared null and void in so far as it is intended to create a lien on the lands or to treat them as security for the loan advanced.

III. Lands held for fifty years and upwards, with or without titles, computing the period of possession up to 14th December 1867, will be confirmed to the holders on the terms prescribed in the Land Inam Rules, and will not be included in the title deed granted by the Inam Department to the religious institutions.

IV. The alienations, whether made in favour of disciples of the institution or others unconnected with it, will be treated alike, and disposed of under these rules.

[*Mysore Gazette*, 1877, Pt. I, p. 349.]

<sup>1</sup>*Rules for the settlement of ready money grants.*

I. All ready money payments made in the Muzarai Department from the general revenues of the State, which were registered in the Tasdik Pattis prepared under the <sup>2</sup>[late] Maharaja's orders in 1830-31, and not since authoritatively resumed, and also those subsequently renewed, or newly granted by the Mysore Commissioner, shall be held valid, whether supported by Sannads or otherwise.

II. All ready money allowances enjoyed by religious or charitable institutions or by individuals, which are exclusively charged to the *Sayer* and *Abkari* collections, and which are to be found in the Auditor's list, and not since authoritatively resumed, shall be held valid, whether supported by Sannads or otherwise.

III. Allowances enjoyed by religious and charitable institutions, the payment of which is enforced by the officers of Government from cultivating ryots and merchants in the shape of taxes or contributions, shall not be noticed in the settlement.

<sup>1</sup> Footnote 1 on page 57 *supra* applies equally to these rules.

<sup>2</sup> Substituted by the letter of the Government of India, No. 3291-J., dated the 27th October, 1886.

2. In cases, however, in which a party claiming them produces the Sannads of the [late] Maharaja in support of the above-mentioned practice, the Government will continue the payment as a State charge, instead of allowing the present objectionable practice.

IV. After the validity of the allowance has been established, each case will be disposed of as hereafter explained under one or other of the following clauses:—

A. Grants made for the support of religious and charitable institutions, and for the maintenance of the parties therein rendering service.

B. Subsistence or personal grants known under the several designations of Varshaganams, Nagad Bhatmanyams, Yomias, Nonparvarshs, and Jaghirs, etc., granted for the subsistence of the holder.

C. Grants made to village servants, either as the whole or partial payments for the remuneration of their services rendered direct to the State, except those of Shanbhogs and Patels, brought on the regular establishment under the head of paid servants.

D. Political pensions or allowances made to dispossessed Poligars under the name of Poligar pensions, and to others similarly situated.

E. Superannuation pensions paid to retired servants of Government for meritorious service.

V. Inams coming under clause D of the foregoing rule will not be taken into consideration in the Muzarai settlement.

2. Superannuation pensions will be allowed to be commuted, however, at the request of the party, by the payment of a lump sum once for all, as provided in Rule X. clause 5.

VI. All ready money grants falling under clause A of Rule IV, whether supported by Sannads or otherwise, will be continued so long as the institutions are efficiently maintained, and service therein properly rendered.

VII. Personal or subsistence grants falling under its clause B will be disposed of according to the terms of the Sannad, or, in its absence, according to the hitherto existing and recognized practice in the province.

2. Grants of money supported by Sannads, in which the hereditary character of the grant is expressly mentioned, are to be continued without reduction to his present holder, his heirs, male or female, in direct succession, to undivided brothers and cousins, and to persons regularly adopted according to the Hindu Law.

3. In the absence of the Sannads, if the allowance can be satisfactorily established either by other documents in the possession of the inamdar, or by Purniah's Muzarai accounts, as having descended in

<sup>1</sup> Substituted by the letter of the Government of India, No. 3831-J., dated the 27th October, 1886.

hereditary succession and subsequently renewed on that account by the '[late] Maharaja and the present Government, it will be continued without reduction to its holder and his heirs defined in the foregoing clause.

4. Where either no express mention of the term hereditary, or express limitation to one life, is made in the Sannad, the allowance will be gradually eliminated in two lives by a reduction of one-half at the end of each lapse occurring after the present holder, who will have the benefit of enjoying the full amount during his life-time.

5. Where the grant expressly limits the allowance to the life of the present holder, it will be continued to him only, and lapse to the State at his death.

6. In cases of extreme indigence and personal defects, such as loss of sight or limbs, etc., incapacitating the successor to earn a livelihood, it will be competent to the Inam Commissioner to make a recommendation for the continuance of the whole or a portion of the allowance to him during his life-time to prevent the distress that would arise from the sudden stoppage of the allowance.

VIII. Allowances specially ordered by the Mysore Commissioner to be continued to certain individuals till they attain their majority will cease when they reach the age of 21 years.

IX. In the case of existing alienees the allowance will be continued during the life-time of the present holders as an indulgence on the production of satisfactory proofs of alienation, but will lapse to the State on their death.

X. Option will be allowed to the holders of ready money grants falling under clauses 2, 3, and 4 of Rule VII, to commute their money allowance into grants of land. The Government are willing to accept the commutation on terms advantageous to the inamdar varying according as the land selected happens to be waste or cultivated, or of good or bad quality, or, in the case of wet lands, with reference to their position and nature of the source of irrigation.

2. Allowances thus commuted into land belonging to religious or charitable institutions and of their servants will be continued under the Land Inam Rule No. V.

3. Inamdars holding allowances under clauses 2 and 3 of Rule VII, which are permitted to be commuted into land, will be allowed to convert their inam into permanent and alienable property at rates of quit-rent varying according to their position with regard to heirs— $\frac{1}{4}$ th quit-rent in the case of persons having competent heirs defined in clause 2,  $\frac{1}{4}$ th in the case of terminable heirs, such as a wife, or widowed daughter, or daughters-in-law, and  $\frac{1}{2}$  if none at all.

<sup>1</sup> Substituted by the letter of the Government of India, No. 3831-I., dated the 27th October, 1886.

4. Inamdars holding allowances under clause 4 of Rule VII, which are permitted to be commuted into land, will be allowed to purchase it on  $\frac{1}{3}$ rd assessment.

| Age of pensioners. | Number of years purchase. |
|--------------------|---------------------------|
| Under 10 years     | 15                        |
| 10 to 20 "         | 12 $\frac{1}{2}$          |
| 20 to 25 "         | 12                        |
| 25 to 30 "         | 11 $\frac{1}{2}$          |
| 30 to 35 "         | 11                        |
| 35 to 40 "         | 10 $\frac{1}{2}$          |
| 40 to 45 "         | 10                        |
| 45 to 50 "         | 9 $\frac{1}{2}$           |
| 50 to 55 "         | 9                         |
| 55 to 60 "         | 8                         |
| 60 to 65 "         | 7                         |
| 65 to 70 "         | 6                         |
| Above 70 "         | 5                         |

5. Inamdars holding allowances under clause 5 of Rule VII, shall not have the advantage of commuting their payments into grants of land, but shall be allowed the option of converting their annual or monthly stipend once for all into a lump sum according to the annexed Table, varying with the age of the recipient, provided that the applicant for commutation is certified to be in good health at the time of application.

XI. Allowances which are paid in kind from the gross outturn of the village, previous to the division of crop between the Government and the ryot under the battai system, shall now be commuted into money payments, and continued according to the terms of the Sannads, or other authoritative documents whether for life or in hereditary succession.

2. Inamdars whose hereditary grain allowances are thus commuted into money grants of hereditary nature will be allowed the indulgence under Rule X to convert them into grants of land, and to make them alienable and transferable property under its clauses 3 and 4.

XII. All ready money payments made to cover actual expenses incurred on account of religious ceremonies, on particular and stated occasions, will not be noticed in this settlement, but will be left as an annual charge subject to audit.

XIII. *Hereditary and for two lives.*—Allowances in kind paid in sandalwood and cardamoms will now be commuted at the average price for five years, and money payments continued to the recipients according to the terms of the grant and under the circumstances of succession referred to in Rule VII.

2. In the case of hereditary grants, the provisions of clause 2 of Rule XI will also be extended to this description of inamdars.

XIV. Certificates in the appended form under the Inam Commissioner's official seal and signature will be granted in acknowledgment of the settlement of these ready money allowances.

XV. Settlement will be made with the head member of the family. His consent shall be held to be sufficient for the commutation of the grant into its equivalent in land, or for a lump payment. Registration of the shares of the several co-partners will, however, be made in the register which will be drawn up in the annexed form, which will also contain a column for the inamdar's description.

XVI. In this settlement fractions of annas will be omitted by raising it either to the higher or reducing it to the lower figure, according as it happens to be above or below half of an anna.

#### NO. 1. TITLE DEED GRANTED TO

On behalf of the Commissioner for the Government of the Territories of His Highness the Maharaja of Mysore, I do hereby certify that the Pagoda of                      Swami is entitled to a ready money inam, which will be continued so long as it is kept in good order and service therein efficiently rendered.

2. Option will be given to                      to commute this money grant into its equivalent in land, which will be continued on the terms mentioned in the preceding clause.

*Inam Commissioner.*

#### NO. 2. TITLE DEED GRANTED TO

On behalf of the Commissioner for the Government of the Territories of His Highness the Maharaja of Mysore, I do hereby certify that you are entitled to hold a ready money inam of Rupees                      , which will be continued to you and to your heirs only in hereditary succession, so long as you and they are loyal subjects of the State, but it is not otherwise transferable.

2. Option will be given to you to commute this money grant into its equivalent in land on the same terms as to succession mentioned in the preceding clause.

*Inam Commissioner.*

#### NO. 3. TITLE DEED GRANTED TO

On behalf of the Commissioner for the Government of the Territories of His Highness the Maharaja of Mysore, I do hereby certify that you are entitled to hold a ready money inam of Rupees                      , which will be continued to you only during life time, so long as you are a faithful subject of the State, and will lapse to the State after your death. It is not transferable in the meantime.

2. Option will, however, be given to you to commute this allowance of Rupees                      into a lump sum of Rupees                      once for all according to the rules prescribed in clause 5 of Rule X.

*Inam Commissioner.*

NO. 4. TITLE DEED GRANTED TO

On behalf of the Commissioner for the Government of the Territories of His Highness the Maharaja of Mysore, I do hereby certify that you are entitled to hold a ready money inam of Rupees \_\_\_\_\_, the full amount of which will be continued to you and one-half of it or Rupees \_\_\_\_\_ to your successor so long as you and he or she are loyal subjects of the State, and wholly lapse to the State after his or her death.

2. Option will be given to you to convert this money inam into a grant of land on your agreeing to pay from this date one-third of its assessment as quit-rent, in which case the land so commuted becomes heritable and alienable property.

*Inam Commissioner.*

Register of Ready Money Grants.

| General number. | 1 | 2                  | 3  | 4   | 5                                       | 6   | 7                                  | 8               | 9                      | 10  | 11  | 12   | 13           | 14      | 15          | 16                 | 17                               |   |
|-----------------|---|--------------------|--|---|---|---|------------------------------------|-----------------|------------------------|---|---|--|--------------|---------|-------------|--------------------|----------------------------------|---|
|                 |   | Value of the Inam. | If for service, it is to be stated whether it is performed; if for buildings, tanks, etc., whether they are efficiently kept up. | Hereditary, unconditional, for life only, or for two or more lives. | When, and by whom, and to whom granted. | Name of the party registered in the standard Muzara or other recognized accounts. | Name, place of residence, and age. | Caste or tribe. | Height and complexion. | Indelible marks tending to the identification of the Inamdar. | Relationship to the grantee or the registered holder. | Particulars of the heirs of the party in column 7. | Description. | Extent. | Assessment. | Village and Taluk. | Recommendation of the Assistant. | Review by the Special Assistant, and confirmation by the Inam Commissioner. |

Inam Commissioner.

[Mysore Gazette, 1868, Supplement, dated 12th December.]

*<sup>1</sup>Rules for the maintenance and repair of field boundary marks.*

<sup>1</sup>No. , dated the 20th August, 1868.—The following rules for the maintenance and repair of field boundary marks are applicable to the taluks of the Province of Mysore in which the Survey and Settlement has been, or is being introduced.

1. The field boundary marks to be maintained in proper condition are stones and mounds of earth or stones of the following dimensions:—

- (1) Stones of 1 to 2 cubits in length half buried in the ground and the exposed portion whitewashed.
- (2) Mounds of earth or stones 8 cubits long, 4 cubits broad at bottom, and  $\frac{3}{4}$  cubit at top,  $2\frac{1}{4}$  cubits high.

2. Each corner of a field or survey number should be defined by two mounds or by 3 stones as shewn in the subjoined examples.\*

3. When the interval between adjoining boundary marks placed at the corners of numbers, exceeds 25 and falls short of 50 Gunta chains in length, there should be a single mound or one stone in place of it, about the middle of the interval and on the line of boundary, but when it exceeds the above, there should be a mound or stone set up at every 20 chains along the line of boundary. In addition to these marks there should be a stone at every large bend or angle in the line of boundary.

4. When a number is bounded on any side by a nullah, river, canal, hedge, embankment or stone-wall, no boundary marks are required on that side, and any cultivator, who may have good reasons for wishing to do so, should be permitted to form a new hedge, ditch, canal, embankment or stone-wall along any side of a number hitherto defined by boundary marks.

5. In low situations liable to be flooded by the over-flow of nullahs or rivers and in very rainy climates where the earthen mounds would be liable to be washed away during the monsoon, stones are more suitable than mounds of earth. In any of these places and no others, the taluk officers are at liberty to recommend the stones of double the length defined in the 1st rule (in place of earthen mounds) half sunk in the ground.

6. At the annual inspection of field boundary marks enjoined by 23rd of the Survey Rules, when a mound is found to be not less than one cubit in height, it is to be considered in good repair, but when it has sunk below this height it is to be considered in want of repair, and is to be raised to the height of  $2\frac{1}{4}$  cubit, as required by Rule 1, and to be daubed with whitewash, during the course of the annual inspection.

<sup>1</sup>Footnote 1. on page 57 *supra* applies equally to these rules.

\* Not re-printed.

+ Read "the use of".



7. When more boundary marks than are required by Rules 2, 3 and 4 are found on any line of boundary, so many of them as may be in excess are to be allowed to fall to ruin, and are not to be repaired at all.

8. When any mound requiring repair is found to be of greater length than 8 cubits, then a portion of it only of this length is to be repaired, and the remainder is to be left untouched.

9. The village officers of every village, in which mounds have been erected should be required to keep 3 rods, respectively 8, 4 and  $2\frac{1}{4}$  cubits long to measure the length, breadth and height of the marks, and these rods should be taken to the field, at all field boundary mark inspections.

10. In the case of dry crop land, a strip of 2 to 3 cubits in width must be allowed to remain unploughed between adjoining marks in order that it may become overgrown with grass and bushes, so as to form a distinct and easily recognizable boundary to the number. Rice and garden lands have usually well defined boundaries, such as banks or hedges, but when they have not, a strip of one cubit in width should be left unploughed to connect adjoining marks and constitute the boundary. And where the village limits have been defined at the time of survey by double lines of boundary marks, the intermediate strips of land are to remain unploughed.

11. Repairs to boundary marks in khalast or Government uncultivated lands are to be made by the taluk officers at the expense of Government unless the <sup>1</sup>[Collector] of the District is satisfied that the repairs would be as effectually and more cheaply made by the purchaser to whom the grazing of this land is sold under the 14th, 15th and 16th Survey Rules, in which case a clause requiring this to be done should be included among the conditions of the sale. When the former course is adopted, the purchasers of waste should be freed from all responsibility whatever connected with the boundary marks as the sale of grazing numbers would be injured by attaching this responsibility to them.

<sup>2</sup>12. To provide funds for the repair of boundary marks to Government uncultivated lands the <sup>1</sup>[Collector] is authorised to disburse from the Treasury annually a sum not exceeding Rs. 5 for every 1,000 acres of Government unoccupied waste land, or 5 per cent. of the total amount realized and credited to Government from the grazing of such lands, whichever may be the larger amount and dispose of it for the repair of the boundary marks therein as directed in clause 2 of the following rule, or as may be otherwise ordered from time to time.

<sup>2</sup>13. In taluks where the boundary marks in Government unoccupied waste land are very numerous or when for any reason the allowance of a

<sup>1</sup> Substituted by the letter of the Government of India, No. 3831-I., dated the 27th October, 1886.

<sup>2</sup> Substituted by Notification No. 179, dated the 14th August 1876. *Mysore Gazette*, 1876, Pt. I, p. 218.

larger sum than Rs. 5 for each 1,000 acres of waste land may appear necessary, the '[Collector]' may\*\* disburse the sum of Rs. 10 for every 1,000 acres of Government unoccupied waste land or 10 per cent. of the amount realized from the grazing of such lands, whichever may be the larger amount.

*Clause 2.* The amount allowed for the repair of boundary marks in Government unoccupied waste land will be paid on the 1st January of each year, or on whatever other date may be ordered, to the Patel of the village who will be held responsible for the maintenance in due order of the boundary marks.

*Clause 3.* Occupants of land impinging on Government unoccupied waste land are responsible for the maintenance in due repair of all the marks which divide their land from Government unoccupied waste land, and the village community are also similarly responsible for all the marks demarcating the boundaries of the free grazing lands assigned to their village. In case there should be any failure in the execution of their duty by occupants of land, or by the village community in free grazing lands, the necessary work will be executed by the Patel and charged for at a rate not exceeding 2 annas for each mark, the total amount of cost being levied rateably from the occupants and inamdars in the village in proportion to the survey assessment of their lands.

14. The ryots are not to be allowed to dig out earth close around the boundary marks for their repair: they are to leave space of 2 cubits in breadth all round the mark untouched so as to prevent injury to the mounds from water lodging in the cavities from which the earth for the repair is taken.

15. The '[Collector]' of the District is personally to examine the boundary marks of some of the numbers of several villages in each taluk, as soon as possible after the completion of the examination by taluk officers, such as Amildar, Peishkar or Sheristadar, and the Superintendent of the division is to mark off several numbers from the village registers for examination by his Revenue Sheristadar or any other high officer of his establishment.

16.

\* \* \* \* \*

[*Mysore Gazette*, 1868, Pt I, p. 435.]

#### *Mysore Survey Guarantee.<sup>2</sup>*

<sup>2</sup>No. 198, dated the 9th February, 1870.—The following revised Survey Guarantee is applicable to the taluks, in the Province of Mysore, already brought under the operation of the Survey Settlement, and is published for general information, in supersession of all Guarantees previously promulgated.

<sup>1</sup> Substituted by the letter of the Government of India, No. 3831-I., dated the 27th October, 1886.

<sup>2</sup> Footnote 1 on page 57 *supra* applies equally to this notification.

*Mysore Government Guarantee.*

Notice is hereby given to the occupants and cultivators of Government lands in the villages of the            taluk in which the Survey Rules have been promulgated, that the rates of assessment introduced by the Revenue Survey in the year            , are guaranteed as follows:—

I. The assessment now imposed by the Revenue Survey on all dry crop lands, and on lands watered solely from wells, will not be raised for            years, *viz.*, from the year            to           

II. During this period dry crop land which may be converted into wet crop solely at the cost of occupiers or cultivators, will not be subjected to any extra assessment whatever, nor will any extra tax 'bab' or patti be imposed on account of fruit or other trees planted hereafter by occupiers or cultivators, or on account of superior crops being grown.

III. If a well is dug by the cultivator, or a water-course (kalve) made from a stream the water of which is not the produce of a work constructed at the expense of Government, no additional assessment will be imposed.

IV. Government reserves the right of prohibiting wells being dug, or water courses (kalves) being made when they interfere with the storage of the water in a work constructed by Government. This right of prohibition may be enforced in relation to any particular work under the orders of the <sup>1</sup>[Resident in Mysore]<sup>2</sup>.

V. If Government afford an additional supply of water by the construction of new works or by the improvement of existing works, the right of imposing an additional assessment upon land benefitting by the increased supply of water, is reserved to Government.

VI. It is imperative on the owners and occupiers of land lying under tanks and works, the property of Government, other than those under the direct management of the Irrigation Department to maintain the upkeep of such tanks and works after they have been brought up to standard. In case such upkeep shall not be duly maintained, it shall be competent to Government to maintain the upkeep of such tanks and works, and the cost of the same shall be rateably distributed amongst the ryots and inamdars according to the survey valuation of their respective holdings, and such amount shall be recovered as regular revenue demand.

VII. When small tanks (or Guntes) included within the boundaries of occupied dry crop survey numbers, shall be restored by the occupiers or cultivators of such numbers, no additional assessment will be imposed during the currency of this settlement, *i.e.*, for            years from the year to           

VIII. The collection of grain levies ("Aya") by Patels and Shanbhogs is abolished by the Survey Settlement, but the existing practice

<sup>1</sup> Substituted by the letter of the Government of India, No. 3831-I., dated the 27th October, 1886.

of payment of such grain levies to minor village servants, thalari, thoti, niganti, etc., is not interfered with by the Survey Settlement.

*Forests and Woods.*

IX. In Government reserved forests the disposal of all wood of any description and the grazing right, is vested in the Forest Department.

X. To each village a certain portion of land is assigned at the survey settlement as free grazing land for common use. Excepting the (9) nine reserved descriptions of timber, according to the list below, all wood in these common lands is reserved for the use of the villagers under such rule as may from time to time be issued by the <sup>1</sup>[Resident in Mysore]. Timber of the reserved kinds in these common lands shall be at the sole disposal of the Forest Department.

|            |             |              |
|------------|-------------|--------------|
| Honnay.    | Karachi.    | } Blackwood. |
| Lack-tree. | Teack.      |              |
| Wandi.     | Sasri and   |              |
| Wild Jack. | Abnus.      |              |
| Poon.      | Sandalwood. |              |

XI. In the case of land already occupied at the time of the survey settlement, or taken up for occupation at, or after, that settlement, all wood shall be made over to the occupant on such terms as the settling officer may arrange, excepting (9) nine reserved descriptions mentioned in the preceding paragraph. The disposal of the wood of these reserved kinds shall be vested in the Forest Department up to one year from the date of the settlement, or from the date of the survey number being taken up; if taken up after the settlement, should the Forest Department not remove the wood within the above mentioned period of one year, it shall, excepting sandalwood, become the exclusive property of the occupant, to whom also any wood henceforward growing in the survey number in question, excepting sandalwood, shall exclusively belong.

XII. In all unoccupied assessed or unassessed lands trees of the (9) nine reserved kinds are the exclusive property of Government, but trees of the unreserved kinds may be used by the general public under the provision of the Forest Rules.

*Local Funds.*

XIII. As the plough tax and all extra cesses on land of whatever kind have been absorbed in the revised assessment of the Revenue Survey, the <sup>1</sup>[Resident] in Mysore will impose for the full term of this settlement, on all land, in addition to the Survey assessment (according to the survey valuation of each ryot's holding) which will be devoted to the construction and repairs of roads, to educational purposes, and to such other local objects as may be deemed necessary.

<sup>1</sup> Substituted by the letter of the Government of India, No. 3831-I., dated the 27th October, 1886.

XIV. The Irrigation Cess having been abolished as a separate levy of one anna in the rupee on the assessment of wet lands, it will be hereafter merged in and collected with the ordinary assessment of such lands, and at the settlement of each taluk a lump sum equivalent to the amount of the cess so merged in the assessment will be set apart by the Settlement Officer out of the annual revenue of the taluk to form the "District Irrigation Fund" which will be administered by the District Committee, in the same way as the Ordinary Local Fund for the repair, improvement and reconstruction of works of irrigation within the taluk.

XV.

XVI. Whatever sum may be assigned, as above, at the settlement of a taluk, as the quota of the "District Irrigation Fund", will remain as the fixed allotment for this purpose during the currency of the settlement.

XVII. The Irrigation Cess will similarly merge in the future Survey valuation of all wet lands held in inam whether in Government villages or in whole inam villages and  $\frac{1}{7}$  of such valuation will be collected similarly to a jodi, but under the designation of "*Equivalent of the Irrigation Cess*", separately from, and in addition to the quit-rent leviable on such lands or villages, and be carried to the account of the "District Irrigation Fund".

XVIII. Kayamgutta and Sarvamanya villages shall pay Local Fund at the rate of one anna in the rupee, the former at the fixed Kayamgutta rent, and the latter on the recorded value of the inam. Where such villages have been surveyed, the same course will be followed as that laid down for inam holdings in the preceding section. Where "they have not been surveyed, the equivalent of the irrigation cess" will be levied under that designation at the rate of one anna in the rupee on the revenue derived from the wet lands under cultivation within their limits as certified to by the holders of such villages and the amount so realised will be carried to the account of the District Irrigation Fund.

[*Mysore Gazette*, 1870, Pt. I, p. 384.]

#### *Forest Rules.*<sup>2</sup>

<sup>2</sup>No. 588-F., dated the 8th June, 1878.—The following rules have been sanctioned by the Governor-General in Council and are published for general information:—

<sup>1</sup>Substituted by Notification No. 341, dated the 11th February, 1875. *Mysore Gazette*, 1875, Pt. I, p. 54.

<sup>2</sup>These rules were made for the Mysore State. On its rendition and the assignment of the Civil and Military Station, they were kept in force in the latter area by clause (1) of notification No. 126-G. P., dated the 28th April, 1881, printed *supra*, p. 57, footnote 1. Only the provisions applicable in practice are here reprinted with the amendments approved in the letter of the Government of India, No. 3831-1., dated the 27th October 1886.

2. Subject to the general control of the [Resident in Mysore]<sup>1</sup> the administration of the forests is vested as herein provided in—

I.—[Any officer appointed by the Resident in Mysore to perform the duties usually assigned to a Conservator of Forests].<sup>1</sup>

II.—The [Collector]<sup>1</sup> and the subordinate revenue officers.

3. All police officers shall see that these rules are observed and shall to the best of their ability aid the forest officers in the exercise of their duties.

28. On all lands throughout [the Civil and Military Station of Bangalore],<sup>1</sup> excepting those in respect of which the right to sandalwood is expressly alienated, the sandalwood tree is the property of the State. The rights of the State with regard to sandalwood shall be exercised under such rule as the [Resident in Mysore]<sup>1</sup> may from time to time prescribe by notification in the [Official]<sup>1</sup> Gazette.

40. For every breach of rule 31 or of any rule made by the [Resident in Mysore]<sup>1</sup> under the power granted him in section 28 of the present rules, the offender shall be liable on conviction before a Magistrate having jurisdiction in the case to a fine not exceeding Rs. 500 or in default to such imprisonment as is provided in section 67 of the Indian Penal Code.

41. Nothing in these rules shall be construed to prevent any person from being prosecuted under any other law for any act which constitutes an offence against these rules or from being liable under such other law to any higher punishment or penalty than that provided by these rules: Provided that no person shall be punished twice for the same offence.

42. Any adzes, knives, carts, boats, or other tools, vehicles, or implements, as also all cattle used in the commission of an offence under these rules or against any rule made by the [Resident]<sup>1</sup> under the powers granted him as stated in Rule 40, and all timber, wood or other forest produce which has been obtained in a manner contrary to such rules, whether entire or cut up or sawn up, may be confiscated.

43. Any police officer or person employed by an officer of Government to prevent infringement of these rules may arrest without warrant, notwithstanding anything contained in the Criminal Procedure Code, any person infringing any of such rules, and may seize any implements used in such infringement, and any timber or other property liable to confiscation under these rules.

44. Any person arrested on the ground that he has committed an infringement of such rule shall forthwith be taken before a Magistrate,

<sup>1</sup> Substituted by the letter of the Government of India, No. 3831-I., dated the 27th October, 1886.

who may, if he see reasonable cause, order him to be detained in custody until the case shall have been disposed of.

45. When any timber or other property shall be seized as liable to confiscation under these rules, any Magistrate may, upon information, summon the person in possession of such timber or other property, and upon his appearance, or in default thereof, may examine into the cause of the seizure of such timber or other property, and may adjudge the same to be confiscated and sold on account of the Government.

46. Any police officer or officer of Government who shall vexatiously and unnecessarily seize the goods or chattels of any person under the pretence of seizing property liable to confiscation, or who shall vexatiously and unnecessarily arrest any person, or commit any other excess beyond what is required for the execution of his duty, shall be liable to a fine not exceeding Rs. 500 or to imprisonment of either description as defined in the Indian Penal Code for a term not exceeding three months.

47. All fines and penalties under these rules shall be enforced by a Magistrate in the manner prescribed in the Code of Criminal Procedure, and the rules therein contained for the trial of cases and for appeals shall be applicable to confiscations adjudged under these rules.

48. When any confiscation or penalty shall be adjudged under these rules, the [Resident]<sup>1</sup> may within three months after final judgment call for the proceedings of the case, and, if he shall see cause, may direct that the seizure or any part thereof be restored, and may remit the penalty or part thereof, and direct that the offender be discharged.

49. The [Resident in Mysore]<sup>1</sup> may, from time to time, by notification in the [Official]<sup>1</sup> *Gazette* make rules to regulate the rewards to be paid to officers and informers out of the proceeds of fines and confiscations under these rules.

[*Gazette of India*, 1878, Pt. I, p. 355.]

### <sup>2</sup>*Rules relating to fireworks.*<sup>3</sup>

<sup>2</sup>*No. 18. dated the 23rd April, 1879.*—The following rules and forms of licenses for the purpose of placing of check on the manufacture<sup>4</sup> and sale<sup>4</sup> of fireworks within the limits of the '[Civil and Military Station of Bangalore]' having been sanctioned by His Excellency the Governor General of India are published for general information:—

1. No person shall let off rockets or send up fire-balloons or discharge any fireworks, have ordinary crackers and flower-pots, in the '[Civil and

<sup>1</sup> Substituted by the letter of the Government of India, No. 3931-I., dated the 27th October, 1886.

<sup>2</sup> Footnote 1 on page 57 *supra* applies equally to these rules.

<sup>3</sup> See also section 152, Bangalore Municipal Law, 1897. *infra*, pp. 87 to 159.

<sup>4</sup> For provisions relating to possession, manufacture, and sale, see now the Rules under the Indian Explosives Act, 1884, as applied to the Civil and Military Station. Printed p. 322 *infra*. Accordingly Rules 2 and 5 and the license form relating to those matters have been omitted.

2.

4. Whoever shall let off rockets or send up fire-balloons or discharge any fireworks, save ordinary crackers and flower-pots, in the [Civil and Military Station of Bangalore] without a license as aforesaid shall be liable, on conviction before a Magistrate, to a penalty not exceeding 50 rupees for any one such offence.

5

7. In the event of any rockets being let off or fire-balloons sent up within the precincts of any private premises or compound in the <sup>1</sup>[Civil and Military Station of Bangalore] without the express permission in writing of the <sup>1</sup>[District Magistrate] the occupier or owner or person, under whose immediate control the said premises or compound is, shall be liable to a fine not exceeding 50 rupees, unless he can prove who the person having committed the offence is and that the offence was committed without his knowledge.

LICENSE FOR POSSESSION OF GUNPOWDER TO MANUFACTURE FIREWORKS.<sup>2</sup>

| Number and description of fireworks. | For what purpose required. | When, where and by whom to be used. | From whom the fireworks to be obtained. | REMARKS |
|--------------------------------------|----------------------------|-------------------------------------|---|---------|
|                                      |                            |                                     |   |         |

[*Mysore Gazette*, 1879, Pt. I, p. 124.]

<sup>1</sup> Substituted by the letter of the Government of India, No. 3831-I., dated the 27th October. 1886.

<sup>2</sup> For provisions relating to possession, manufacture, and sale, see now the Rules under the Indian Explosives Act, 1884, as applied to the Civil and Military Station. Printed p. 322, *infra*. Accordingly Rules 2 and 5 and the license form relating to those matters have been omitted.



*<sup>1</sup>Rules for the regulation of Talimkhana.*

<sup>1</sup>No. 172, dated the 11th February, 1881.—The following rules for licensing and regulating Talimkhana or Gymnasias in the principal towns of Mysore having received the sanction of the Governor-General in Council are published for general information:—

1. “ “ “ “ “ “ “

2. The proprietor of every Talimkhana shall be required to apply to the Magistrate of the District for a license. Should the Magistrate of the District grant the license, the Talimkhana for which it is granted shall be registered as follows, in a book to be kept for the purpose, on payment of a fee of Rs. 10 by the applicant.

3. The register shall contain the following particulars:—

*1st.*—The number.

*2nd.*—The name of the Mohala.

*3rd.*—The name of the Talimkhana.

*4th.*—The name of the proprietor.

*5th.*—His calling or profession.

4. No proprietor of a Talimkhana \* \* shall be allowed to keep his Talimkhana open without a license, and any proprietor, manager, or keeper of a Talimkhana \* \* who keeps his Talimkhana without a license shall be liable, on conviction before a Magistrate, to a fine not exceeding Rs. 500.

5. Every license shall remain in force for twelve months, to be renewed at the end of that period by the holder on payment of a fee of Rs. 10.

6. No license will be issued until the proprietor of the Talimkhana furnishes two securities in Rs. 50 each for his due compliance with the terms of these rules, and in the event of breach of the same being established against him before a Magistrate the said securities will be liable to forfeiture of the amount for which they become security.

7. A list of persons who frequent the Talimkhana shall be furnished by the proprietor to the Chief Police Officer \* \* whenever it is called for.

8. No proprietor of a Talimkhana shall harbour any bad character or allow gambling to be carried on within his premises. In the event of any bad character seeking a refuge in the Talimkhana, it will be the duty of the proprietor to give immediate information to the Police.

9. Every proprietor of a Talimkhana shall cause a board to be placed in some conspicuous position on which the name of the Talimkhana and the name of the proprietor will be legibly written.

10. On all occasions of Muhammadan or Hindu festivals, the proprietor will be held responsible for the conduct of those who frequent the Talimkhana.

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<sup>1</sup> Footnote 1 on page 57 *supra* applies equally to these rules.

11. The Police shall have full permission to visit any Talimkhana at any time.

12. Except with the special permission in writing of the Magistrate having local jurisdiction, no Talimkhana will be allowed to remain open after 9 o'clock at night.

13. Any infringement of any of the above rules will render the proprietor liable to forfeiture of his license, which may be at any time withdrawn by the Magistrate of the District, and in addition the proprietor, manager or keeper of a Talimkhana shall be liable on conviction by a Magistrate of breach of any of the rules 7, 8, 9 or 12 to a fine of Rs. 500.

14. Nothing in these rules shall prevent the District \* \* Magistrate from at any time closing any Talimkhana, should he consider it necessary in the interests of the public to do so.

15. A copy of these rules will be kept in the possession of the proprietor of every Talimkhana.

[*Mysore Gazette*, 1881, Pt. I, p. 109.]

*Execution in British India of capital sentences of British Courts beyond British India.*

No. 1431-I., dated the 15th August 1893.—Printed in Appendix XIX.

*Rules for avoiding loss through Public Accountants.*

No. 1756-I. A., dated the 29th May, 1896.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to prescribe the following rules for the better avoidance of loss through the default of Public Accountants in the Civil and Military Station of Bangalore:—

1. For the purpose of these rules, every person is a Public Accountant who, by reason of any office held by him in the service of the Government of India or of the Municipal Commissioners of the Civil and Military Station of Bangalore, is entrusted with the receipt, custody or control of any money or security for money, or the management of any buildings or land in the possession of the Government of India or the Municipal Commissioners of Bangalore, or who, as official assignee, trustee or receiver, or in any other official capacity, is entrusted with the receipt, custody or control of any money or security for money, or the management of any buildings or lands belonging to any other person or persons.

2. Every Public Accountant shall give security for the due discharge of the trusts of his office, and for the due account of all moneys which shall come into his possession or control by reason of his office.

<sup>1</sup> See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix I.

3. In default of any law having special reference to the office of any Public Accountant, the security to be given shall be of such amount and kind, real or personal, or both, and with such sureties, as the Resident in Mysore, with the previous sanction of the Governor General in Council, may from time to time prescribe.<sup>1</sup>

4. The head of the office to which any Public Accountant belongs may proceed against such Public Accountant or his sureties or both for any loss or defalcation in his accounts as if the amount thereof were an arrear of land revenue due to Government.

5. All laws or rules for the time being in force in the Civil and Military Station of Bangalore for the recovery of arrears of land revenue due to Government and for the recovery of damages by any person wrongfully proceeded against for any such arrear shall apply, with such changes in the form of procedure as may be necessary to make them applicable to the case to any proceedings against or by such Public Accountant.

[*Gazette of India*, 1896, Pt. I, p. 416.]

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*A Law to provide for the better management of the municipal affairs of the Civil and Military Station of Bangalore.*

Whereas it is expedient to make better provision for the administration of the municipal affairs of the Civil and Military Station of Bangalore; It is hereby ordered as follows:

CHAPTER I.—PRELIMINARY.

1. *Short title, extent and commencement.*—(1) This Law may be called the Bangalore Municipal Law, 1897.

(2) It extends to the Civil and Military Station of Bangalore as defined for the time being by notification under this Law; and

(3) It shall come into force at once.

2. *Repealing and saving clauses.*—(1) The Regulations published with the Notification of the Government of India in the Foreign Department, No. 319-I., dated the 9th February, 1883, and amended by subsequent notifications, are hereby repealed, but not so as to affect the validity of anything done or suffered thereunder, or any right, privilege, obligation or liability acquired, accrued or incurred thereunder, before this Law comes into force.

(2) All Municipal Commissioners and officers of the Municipal Commission of the Civil and Military Station of Bangalore appointed, elected or nominated, and all bye-laws or rules prescribed, limits defined, budgets passed, assessments, valuations, measurements and appointments made, elections held, powers conferred, salaries fixed, notifications published, notices issued, taxes, tolls, rates, cesses and fees imposed or assessed, contracts entered into and suits instituted under any Act or Regulation hitherto in force relating to the matters hereinafter dealt with, shall, so far as may be, be deemed to have been respectively appointed, elected, nominated, prescribed, defined, passed, made, held, conferred, fixed, published, issued, imposed, assessed, entered into and instituted under this Law.

3. *Definitions.*—In this Law, unless there is anything repugnant in the subject or context,—

(1) “ Station ” means the Civil and Military Station of Bangalore as defined for the time being by notification under section 4:

(2) “ Resident ” means the Resident in Mysore:

(3) “ Commission ” means the Municipal Commission of the Station:

(4) “ President ”, “ Vice-President ”, “ Secretary ” and “ Commissioner ” mean, respectively, the President, a Vice-President, the Secretary and any member of the Commission:

- 
- (5) "inhabitant" includes any person ordinarily residing or carrying on business, or owning or occupying immoveable property, in the Station:
- (6) "owner" includes the person for the time being receiving the rent or profits of lands and buildings or either of them, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or who would so receive the same if the land or building were let to a tenant:
- (7) "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and also the roadway and footway over any public bridge, or causeway:
- (8) "explosive"—
- (a) means gunpowder, nitroglycerine, dynamite, gun-cotton, blasting powders, fulminate of mercury or of other metals, coloured fires, and every other substance, whether similar to those above mentioned or not, used or manufactured with a view to produce a practical effect by explosion, or a pyrotechnic effect; and
  - (b) includes fog signals, fireworks, fuzes, rockets, percussion-caps, detonators, cartridges, ammunition of all descriptions and every adaptation or preparation of an explosive as above defined:
- (9) "petroleum" includes also the liquids commonly known by the names of rock oil, Rangoon oil, Burma oil, kerosine, paraffine oil, mineral oil, petroline, gasoline, benzol, benzoline, benzine and any inflammable liquid which is made from petroleum, coal, schist, shale, peat or any other bituminous substance, or from any products of petroleum; but it does not include any oil ordinarily used for lubricating purposes and having its flashing point at or above two hundred degrees of Fahrenheit's thermometer:
- (10) "notification" means a notification published under this Law in the local official Gazette:
- (11) "notified" means published as aforesaid:
- (12) "rule" means a rule under this Law: and
- (13) "bye-law" means a bye-law made at a special meeting of the Commission under this Law.

4. *Power for the Governor General in Council to define limits of Station.*—The Governor General in Council may, from time to time, by

notification.<sup>1</sup> declare what, for the purposes of this Law, shall be the area and limits of the Station and may, at any time in like manner, alter such area and limits.

5. *Exclusion of Military buildings or lands from the operation of this Law.*—Subject to the provisions of the next following section and of section 70, this Law shall not apply to any barracks, hospitals, guard rooms, barrack-yards, hospital enclosures or other buildings or lands in exclusive possession of the Military authorities for military purposes, and notified<sup>2</sup> as such by the Governor General in Council.

6. *Exemption of any local area from the operation of this Law, and application thereof to certain local areas.*—The Governor General in Council may, by notification<sup>3</sup>, exempt any local area, buildings, or lands in the Station from the operation of all or any of the provisions of this Law or of the rules, and bye-laws thereunder, and may, in like manner, apply all or any of the said provisions to any of the buildings or lands described in section 5 or to any other local area.

7. *Application of Cantonment Act, etc., to any part of the Station.*—Notwithstanding anything contained in this Law, the Governor-General in Council may, by notification, apply all or any of the provisions of any Cantonment Act or Regulation or of any rules<sup>4</sup> thereunder to the Station or to any buildings, lands or local area comprised in the Station, and may, in like manner, withdraw the application of any such provisions.

## CHAPTER II.—THE COMMISSION.

### *Municipal constitution.*

8. *Municipal Commission.*—(1) The municipal affairs of the Station shall be administered by a body to be styled the Municipal Commission of the Civil and Military Station of Bangalore and consisting of a President and <sup>5</sup>[twenty-seven other Commissioners].

(2) Subject to the provisions of section 16 and of section 19, subsection (2) the Commissioners shall be appointed by the Resident either by name or by office, or shall be elected from among the inhabitants in accordance with rules made under this Law, or shall be partly appointed and partly elected as aforesaid according as the Resident may, by notification<sup>6</sup>, direct:

<sup>1</sup> See No. 1527-I. A., dated the 26th April, 1907. Printed *infra*, p. 793.

<sup>2</sup> Notification No. 613-I., dated the 17th December, 1924. Printed *infra*, p. 794.

<sup>3</sup> See No. 596-I. A., dated the 7th February, 1906. Printed *infra*, p. 795.

<sup>4</sup> Sections 235, 236, 237, 239 and 240 of the Cantonments Act, 1924, have been applied, with modifications, to the Civil and Military Station by Notification No. 364-I., dated the 19th July, 1926. Printed *infra*, p. 796.

<sup>5</sup> Substituted by Notification No. 402-I., dated the 18th August, 1924. *Gazette of India*, 1924, Pt. I, p. 754.

<sup>6</sup> See Notification No. 37, dated the 16th April, 1928. Printed *infra*, p. 796.

Provided that,—

- (a) if the Resident has directed that the elected members shall constitute the whole or any portion of the Commission, he shall not afterwards direct that they shall constitute any smaller proportion thereof except in compliance with the request of a majority of the electors for the time being, or for some reason which the Resident may deem to affect the public interest, and
  - (b) unless the Governor-General in Council otherwise directs, the appointed members who are salaried officers of Government, shall not exceed one-third of the whole Commission.
- (3) When, under a direction issued under sub-section (2), any places on the Commission are required to be filled by election and a sufficient number of Commissioners are not elected to fill such places, the Resident may fill them by appointment.

<sup>1</sup>[(4) The Resident may, by order in writing, nominate a person to be an additional Commissioner for such period as may be specified in the order, and the person so appointed shall have all the rights of a Commissioner :

Provided that not more than one such person shall be so appointed at any one time and during the pendency of any such appointment no further appointment of such nature shall be made].

9. *Term of office of Commissioners.*—(1) If a Commissioner is appointed by office, the person for the time being holding the office shall be Commissioner until the Resident otherwise directs.

(2) The term of office for which all other Commissioners shall be appointed or elected, as the case may be, <sup>1</sup>[shall, save as provided in sub-section (4) of section 8 be fixed] by the Resident by rule<sup>2</sup> and may be so fixed as to provide for the retirement of Commissioners by rotation, but shall not exceed three years :

<sup>3</sup>[Provided that the Resident may by notification, for special reasons to be set forth in such notification, extend the term of office of any such other Commissioner for the time being in office, to such term, not exceeding four years in the aggregate, as he may think fit.]

(3) An outgoing Commissioner may, if otherwise qualified, be re-elected or re-appointed.

<sup>1</sup> Added and substituted by Notification No. 402-I., dated the 18th August, 1924. *Gazette of India*, 1924, Pt. I, p. 754.

<sup>2</sup> See Notification No. 37, dated the 16th April, 1928. Printed *infra*, p. 796.

<sup>3</sup> Added by Notification No. 513-I., dated the 15th October, 1924. *Gazette of India*, 1924, Pt. I, p. 969.

10. *Resignation of Commissioner.*—(1) Any Commissioner wishing to resign shall forward his written resignation through the Resident to the Resident.

(2) When the acceptance of such resignation by the Resident has been communicated to the Commission, the Commissioner shall be deemed to have vacated his seat.

11. *Power of the Resident as to removal of Commissioners.*—(1) The Resident may, by notification, remove any Commissioner,

(a) if he refuses to act, or becomes, in the opinion of the Resident, incapable of acting, or has been declared a bankrupt or an insolvent or convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Resident, a defect of character which unfits him to be a Commissioner;

(b) if he has been declared by notification in any Government Gazette to be disqualified for employment in, or has been dismissed from, the public service;

(c) if he has absented himself for more than three consecutive months from the meetings of the Commission;

<sup>1</sup>[(cc) if any sum recoverable from him under section 186 has remained unpaid for a period exceeding two months from the date of service of a bill for the same under clause (a) of sub-section (1) of the said section;].

(d) if his continuance in office is, in the opinion of the Resident, dangerous to the public peace or order; or,

(e) in the case of a salaried officer of the Government, if his continuance in office is, in the opinion of the Resident, unnecessary or undesirable.

(2) A person removed under this section shall be disqualified for election unless and until the Resident otherwise directs.

12. *Filling of casual vacancies.*—(1) Whenever a vacancy occurs by the death, resignation or removal of any elected Commissioner, a new Commissioner shall be elected in accordance with the rules to fill the vacant place:

Provided that the Resident may direct in any such case that the vacancy shall be left unfilled.

(2) Upon the death, resignation or removal of any appointed Commissioner, the Resident may, if he thinks fit, appoint a new Commissioner to fill the vacant place.

<sup>1</sup> Inserted by Notification No. 57-I., dated the 18th January, 1928. *Gazette of India*, 1928, Pt. I, p. 39.



(3) Every person elected or appointed to fill a casual vacancy shall hold his seat for the time for, and subject to the conditions upon, which it was tenable by the person in whose place he has been so elected or appointed, and no longer; but he may, if otherwise qualified, be re-elected or re-appointed.

13. *Notifications of elections, appointments and vacancies.*—Every election and appointment of a Commissioner, shall be notified by the Resident.

14. *Incorporation of Commission.*—(1) The Commission shall be a body corporate by the name of the Municipal Commission of the Civil and Military Station of Bangalore; it shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immovable, and, subject to the provisions of this Law, to transfer any property held by it and to do all other things necessary for the purpose of its constitution; and it may sue and be sued in its corporate name.

15. *Commissioner to be Municipal Commissioner within meaning of every enactment in force.*—Every Commissioner shall be deemed to be a Municipal Commissioner within the meaning of any enactment for the time being in force.

16. *District Magistrate of the Station to be ordinarily the President.*—(1) The office of President shall be held, unless otherwise ordered by the Governor General in Council, by the District Magistrate for the time being of the Station.

17. *The Vice-Presidents.*—The Commission may, from time to time, elect one or two of the Commissioners to be Vice-President or Vice-Presidents, and every Vice-President so elected shall, if approved by the Resident, hold the office of Vice-President for such term as the Resident may by rule fix:

Provided that, if the Commission, instead of electing a Vice-President, applies to the Resident to nominate a Vice-President from among the Commissioners, or if no election has been made within one month from the occurrence of a vacancy in the office of Vice-President, or if the Resident does not approve the Vice-President elected, the Resident may, if he thinks fit, appoint one of the Commissioners to be a Vice-President for the like term.

18. *Casual vacancies in office of Vice-President.*—Upon the occurrence of any vacancy in the office of Vice-President, a new Vice-President shall be elected or appointed in the manner provided by section 17.

19. *Officers to be appointed by the Resident, such as a Medical Officer, an Engineer and a Secretary.*—(1) The Resident may appoint from time to time such officers of the Commission as he may think necessary for the due performance of the various duties assigned to it, and may at his pleasure suspend or remove them. Such officers shall receive out of the

Municipal Fund such allowances as the Resident, after consulting the Commission, may fix :

Provided that there shall always be a Medical Officer, an Engineer and a Secretary among the officers of the Commission; and that no other salaried officer shall be created by the Resident without the consent of the Commission.

(2) The Medical Officer shall be *ex-officio* a Commissioner. The Engineer and the Secretary may be appointed, but shall not be elected, Commissioners.

20. *Other officers to be appointed by the Commission.*—Subject to the provisions of this Law and any rules thereunder, the Commission may employ, in addition to the officers who may be appointed under section 19, such other officers and servants on salaries, not exceeding in any case three hundred rupees per mensem, as may be necessary or proper for the efficient execution of its duties, and may remove or dismiss any officer or servant so employed.

#### *Pensions.*

21. *Pensions and gratuities.*—<sup>1</sup>[All officers and servants of the Commission entertained in permanent employment before the creation of a Provident Fund under the provisions hereinafter contained shall be entitled to pensions or gratuities in accordance with the rules for the time being in force under section 96 B of the Government of India Act. Such pensions or gratuities shall be granted by order of the Resident, and shall be paid by the Commission from the Municipal Fund in accordance with such order.]

22. *Special pension or gratuity.*—The Commission may, with the sanction of the Resident, give a gratuity to, or purchase an annuity for any officer or servant retiring from their service who is not entitled to pension or gratuity under section 21 <sup>1</sup>[or to the benefits of a Provident Fund created under the provisions hereinafter contained].

#### *Committees.*

23. *The Health Committee.*—(1) The Commission shall appoint from among its members a standing Health Committee to advise and report upon matters relating to sanitation, conservancy, food and water-supply, the registration of vital statistics, vaccination and other matters pertaining to the health of the Station.

(2) The Medical Officer shall be a member and *ex-officio* Chairman of the Health Committee.

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<sup>1</sup> Substituted by Notification No. 2270-I B. dated the 3rd August 1921. *Gazette of India*, 1921, Pt. I, p. 1045.

24. *Other Committees.*—The Commission may from time to time appoint from among its members such other Committees consisting of such number of persons as it thinks fit to advise and report on any matters connected with the purposes of this Law other than those mentioned in the last foregoing section.

25. *Delegation of executive powers of Commission.*—(1) The Commission may, by bye-law, delegate the current executive administration of any of its duties to a Vice-President, Committee or officer of the Commission, and may, in like manner, resume such administration :

Provided that, when a bye-law has been passed delegating any powers of the Commission as aforesaid, it shall not be rescinded except on a vote of a majority of all the Commissioners.

(2) In all matters of which the executive administration has not been delegated as aforesaid, it shall vest in the President.

*Conduct of business.*

26. *Time for holding meetings.*—(1) The Commission shall meet for the transaction of business at least once in every month at such time as may, from time to time, be fixed by bye-law.

(2) The President, or, in his absence, a Vice-President, may, whenever he thinks fit, and shall, on a requisition made in writing by not less than one-fifth of the Commissioners, convene either an ordinary or a special meeting at any other time.

27. *Ordinary and special meetings.*—(1) Every meeting of the Commission shall be either ordinary or special.

(2) Any business may be transacted at an ordinary meeting unless required by this Law or the rules to be transacted at a special meeting.

28. *Quorum.*—(1) The quorum necessary for the transaction of business at a special meeting of the Commission shall be one half of the Commission.

(2) The quorum necessary for the transaction of business at an ordinary meeting of the Commission shall be such number or proportion of the Commissioners as may, from time to time, be fixed by bye-law, but shall not be less than six :

Provided that, if at any ordinary or special meeting of the Commission a quorum is not present, the Chairman shall adjourn the meeting to such other day as he may think fit, and the business which would have been brought before the original meeting if there had been a quorum present, shall be brought before, and transacted at, the adjourned meeting, whether there is a quorum present thereat or not.

29. *Chairman of meeting.*—At every meeting of the Commission the President, or, in his absence or during the vacancy of his office, the senior Vice-President present, and if there be no President or Vice-

President present, then such one of their number as the Commissioners present may elect, shall preside as chairman.

30. *Vote of majority decisive*.—Subject to the provisions of this Law and of any rules thereunder, all questions which come before any meeting of the Commission, shall be decided by a majority of the votes of the Commissioners present, the chairman of the meeting, in case of an equality of votes, having a second or casting vote.

31. *Record and publication of proceedings*.—(1) Minutes of the proceedings at each meeting of the Commission shall be drawn up and recorded in a book to be kept for the purpose, shall be signed by the chairman of the meeting, shall be published in such manner as the Resident may direct, and shall, at all reasonable times and without charge, be open to inspection by any inhabitant.

(2) A copy of every resolution passed at any meeting of the Commission shall, within three days from the date of the meeting, be forwarded to the Resident.

32. *Bye-laws*.—(1) The Commission may, from time to time, make bye-laws, consistent with this Law and with any rules thereunder, as to—

- (a) the time and place of its meetings;
- (b) the manner in which notice of ordinary and special meetings and adjourned meetings shall be given;
- (c) the quorum necessary for the transaction of business at ordinary meetings;
- (d) the conduct of proceedings at meetings and the adjournment of meetings;
- (e) the custody of the common seal and the purposes for which it shall be used;
- (f) the person or persons to be primarily responsible for the current executive administration and his or their powers; that is to say, what portion of the executive authority shall be exercised by the President, by a Vice-President, by Committees and by officers of the Commission;
- (g) the persons by whom receipts shall be granted on behalf of the Commission for money received under this Law;
- (h) the appointment, duties, leave, suspension and removal of its officers and servants;
- <sup>1</sup>[(hh) the creation and management of a Provident Fund or Funds, the levying of compulsory contributions thereto from the officers and servants of the Commission, and the sup

<sup>1</sup>Added by Notification No. 2270-I. B., dated the 3rd August, 1921. *Gazette of India*, 1921, Pt. I, p. 1045.

plementing of such contributions from the Municipal Fund;] and

(i) all other similar matters.

(2) No bye-law made under <sup>1</sup>[clause (c), clause (f) or clause (hh)] of sub-section (1) shall take effect until it has been approved by the Resident.

(3) Every bye-law made under this section shall be published in such manner as the Resident may direct.

33. *Extraordinary powers of President and Vice-President in case of emergency.*—In case of emergency the President, or, in his absence or during any vacancy in his office, the Vice-President may direct the execution of any work or the doing of any act which the Commission is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing such work or doing such act shall be paid from the Municipal Fund:

Provided that—

(a) he shall not act under this section in contravention of any order of the Commission; and

(b) every direction given under this section shall be reported to the next following meeting of the Commission.

*Defects in constitution and irregularities.*

34. *Vacancies and irregularities not to invalidate proceedings.*—No act done or proceeding taken under this Law shall be questioned on the ground merely of the existence of any vacancy in the Commission or on account of any defect or irregularity not affecting the merits of the case.

*Contracts.*

35. *Authority to contract.*—(1) The Commission may, subject to the provisions of this Law, delegate to one or more of the Commissioners the power of entering on its behalf into any particular contract whereof the value or amount does not exceed five hundred rupees, or into any class of such contracts.

(2) No contract by or on behalf of the Commission whereof the value or amount exceeds five hundred rupees, shall be entered into until it has been sanctioned at a meeting of the Commission.

36. *Mode of executing contract and transfers of property.*—(1) Every contract made by or on behalf of the Commission whereof the value or amount exceeds one hundred rupees shall be in writing, and shall be signed by the President, or a Vice-President, and by one other Commissioner, and countersigned by the Secretary:

Provided that, when the power of entering into any contract on behalf of the Commission has been delegated under the last foregoing sec-

<sup>1</sup> Substituted by Notification No. 2270-I. B., dated the 3rd August, 1921. *Gazette of India*, 1921, Pt. I, p. 1045.

tion, the signature or signatures of the Commissioner or Commissioners to whom the power has been delegated, shall be sufficient.

(2) Every transfer of immoveable property belonging to the Commission must be made by an instrument in writing executed by the President, or Vice-President, and at least two other Commissioners, whose execution thereof shall be attested by the Secretary.

(3) No contract or transfer of the description mentioned in this section executed otherwise than in conformity with the provision of this section shall be binding on the Commission.

37. *Penalty on Commissioner, officer or servant being interested in contract made with the Commission.*—(1) If any Commissioner or any officer or servant of the Commission is, without the permission in writing of the Resident, directly or indirectly interested in any contract made with the Commission, he shall be deemed to have committed an offence punishable under section 168 of the Indian Penal Code, as applied<sup>1</sup> to the Station. XLV of 1850.

(2) No Commissioner or officer or servant of the Commission shall, by reason only of his being a shareholder in, or a member of, any incorporated or registered company, be deemed to be interested in any contract entered into between such company and the Commission; but no such person as aforesaid shall take part in any proceedings of the Commission relating to any such contract.

*Privileges and liabilities.*

38. *Suits against the Commission and its officers.*—No suit shall be instituted against the Commission or against any officer or servant of the Commission in respect of any act purporting to be done in its or his official capacity, until the expiration of one month next after notice in writing has been, in the case of the Commission, delivered or left at its office, and, in the case of an officer or servant delivered to him or left at his office or place of abode, stating the cause of action, and the name and place of abode of the intending plaintiff; and the plaint shall contain a statement that such notice has been so delivered or left:

Provided that nothing in this section shall apply to any suit instituted under section 54 of the Specific Relief Act, 1877, as applied<sup>1</sup> to the Station. I of 1877.

39. *Liability of Commissioners.*—Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to the Commission, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a Commissioner, and a suit for compensation for the same may be instituted against him by the Commission with the sanction of the Resident, or by the Secretary of State for India in Council, in such Court as the Resident may direct.

<sup>1</sup> See now Notification No. 261-I., dated the 24th April, 1929. Printed *supra*, p. 39.

*Acquisition of land.*

I of 1894.

40. *Acquisition of land.*—Where any land within the limits of the Station is required for the purposes of this Law, the Resident may, at the request of the Commission, proceed to acquire it under the provisions of the Land Acquisition Act, 1894,<sup>1</sup> as applied to the Station, and, on payment by the Commission of the compensation awarded under that Act and of any other charges incurred in acquiring it, the land shall vest in the Commission.

## CHAPTER III.—TAXATION.

*General provisions.*

41. *Taxes which may be imposed.*—(1) Subject to any general or special orders which the Governor General in Council may make in this behalf, and to any rules under this Law, the Commission may, from time to time, for the purposes of, and in the manner directed by, this Law impose in the whole or any part of the Station any of the following taxes and tolls, namely:—

(A) with the previous sanction of the Resident:—

(a)<sup>2</sup> a tax on buildings and lands

(i) not exceeding 10 per cent. on the annual value, or

(ii) not exceeding one anna per square yard of the ground area, or

(iii) not exceeding three rupees per running foot of frontage in streets or bazaars;

(b)<sup>3</sup> a tax on persons practising any profession or art or carrying on any trade or calling in the Station;

(c)<sup>4</sup> a tax on all or any vehicles, animals used for <sup>5</sup>[racing], riding, driving, draught or burden, and dogs, when the vehicles, animals used as aforesaid, and dogs, are kept in the Station;

(d)<sup>4</sup> a toll on vehicles and animals used as aforesaid entering the Station and not liable to taxation under the last foregoing clause;

(e)<sup>6</sup> an octroi on animals or goods or both brought within the octroi limits, for consumption or use therein; and

<sup>1</sup> See footnote on previous page.

<sup>2</sup> See Notification No. 6780, dated the 31st March, 1903. Printed *infra*, p. 803.

<sup>3</sup> See page 803, *infra*.

<sup>4</sup> See Notification No. 4536, dated the 29th September, 1899. Printed *infra*, p. 805.

<sup>5</sup> Inserted by Notification No. 2441-1081-Intl., dated the 28th November, 1922. *Gazette of India*, 1922; Pt. I, p. 1405.

<sup>6</sup> See pages 806 and 807, *infra*.

42. *House-scavenging tax*.—When the Commission has, in exercise of the powers conferred by this Law, undertaken the house-scavenging of any house or building, it may charge the owner or occupier of such house or building, in respect of the house-scavenging done therein, with a tax<sup>1</sup> imposed in the manner directed by this Law at such rate as it may, think fit.

43. *Water tax*.—(1) Besides the taxes mentioned in the foregoing sections, the Commission, with the previous sanction of the Governor-General in Council, may for the purpose of constructing or maintaining works for the supply of water to the Station or paying the principal or interest of any loan raised for the construction of such works, impose,<sup>2</sup> in the manner directed by this Law, a tax to be called the water tax, upon buildings or lands which are so situated that their occupiers can benefit by the works.

(2) The rate or amount of the water tax imposed on different buildings or lands may be determined with reference, among other considerations, to their distance from the nearest point at which the water is deliverable by the works and their level, but in fixing it regard shall be had to the principle that the total net proceeds of the tax, with the estimated income from payments for water-supply from the works under special contracts, should not exceed the amount required for the said purposes.

44. *Procedure in imposing taxes*.—(1) The Commission may, at a special meeting, pass a resolution proposing the imposition of any tax under section 41, section 42 or section 43.

(2) When such a resolution has been passed, the Commission shall publish a notice, defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed and the system of assessment to be adopted.

(3) Any inhabitant objecting to the proposed tax may, within thirty days from the publication of the said notice, submit his objection in writing to the Commission, and the Commission shall, at a special meeting, take his objection into consideration.

(4) If no such objection is received within the said period of thirty days or if all such objections, having been considered as aforesaid, are deemed insufficient, the Commission may forward its proposal to the Resident, with the objections (if any) which have been submitted as aforesaid, and its decision thereupon.

(5) The Resident on receiving such proposal may sanction or refuse to sanction the same, or return it to the Commission for further consideration.

<sup>1</sup> Included in the tax on buildings and lands. See Notification No. 6780, dated the 31st March, 1908. *Infra*, p. 803.

<sup>2</sup> See Notification No. 4578, dated the 30th September, 1899. *Infra*, p. 807.



(6) When any such proposal which requires the further sanction of the Governor General in Council, has been sanctioned by the Resident, he shall submit the same to the Governor General in Council, with the objections (if any) received through the Commission: and the Governor General in Council may sanction the proposal or refuse to sanction it, or return it to the Resident for further consideration.

(7) When any proposal of the Commission has been sanctioned by the Resident, or by the Resident and the Governor General in Council, as the case may be, the Commission may, at a special meeting, direct the imposition of the tax in accordance with such proposal.

(8) In giving such direction, the Commission shall fix a date on which the tax shall come into force:

Provided that—

(a) No tax shall come into force until its imposition has been notified:

(b) No tax shall come into force before the expiration of three months from the date of the meeting at which its imposition is directed:

(c) A tax leviable by the year shall come into force on the first day of January or on the first day of April or on the first day of July or on the first day of October in any year, and, if it comes into force on any day other than the first day of April shall be leviable by the quarter till the first day of April then next ensuing.

(9) A notification of the imposition of a tax under this Law shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Law.

45. *Power to abolish or reduce tax.*—The Commission may, by a resolution passed at a special meeting and confirmed by the Resident, abolish or reduce in amount any tax imposed under the foregoing sections.

46. *Power to exempt from taxation.*—(1) The Commission may exempt, in whole or in part, for any period not exceeding one year, from payment of any such tax any person who by reason of poverty may, in its opinion, be unable to pay the same, and may renew such exemption as often as may be necessary.

(2) The Commission may, by resolution passed at a special meeting and confirmed by the Resident, and the Resident may, by order<sup>1</sup>, exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

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<sup>1</sup> See Notification No. 3475, dated the 21st August, 1897. *Infra*, p. 809.

47. *Taxes not invalid for defect of form.*—No assessment and no charge or demand of any tax made under this Law shall be impeached or affected by reason of any mistake in the name, residence, place of business or occupation of any person liable to pay the tax, or in the description of any property or thing liable to the tax, or of any mistake in the amount of assessment or tax, or by reason of any clerical error or other defect of form; and it shall be enough in any such tax on property, or any assessment of value for the purpose of any such tax, if the property taxed or assessed is so described as to be generally known, and it shall not be necessary to name the owner or occupier thereof.

48. *Taxes when payable.*—Any tax imposed under this Law and payable periodically shall be payable on such dates and in such instalments (if any) as the Commission may from time to time direct.

49. *Receipts to be given.*—For all sums paid on account of any tax under this Law a receipt stating the amount and the tax on account of which it has been paid, shall be given by the person receiving the same, on request by the person making the payment.

50. *Appeals against taxation.*—(1) An appeal against the assessment or levy of any tax under this Law shall lie to the officer holding the appointment of District Judge unless that officer is himself a Commissioner, when it shall lie to the First Assistant to the Resident or such other officer, not being a Commissioner, as may be empowered by the Resident in this behalf.

(2) The Resident may call for a report of the proceeding in any case in which it appears to him that there has been an illegality or material irregularity in the assessment or levy of any tax under this Law, and may pass such orders thereon as he thinks fit.

(3) In every appeal or every revision the costs shall be in the discretion of the officer deciding the appeal or revision.

(4) Costs awarded under this section to the Commission shall be recoverable by the Commission as though they were arrears of a tax due from the appellant.

(5) If the Commission fails to pay any costs awarded to an appellant within ten days after the date of the order for payment thereof, the officer awarding the costs may order the person having the custody of the balance of the Municipal Fund to pay the amount.

51. *Limitation of appeal.*—(1) No appeal shall lie in respect of a tax on any land or building, unless it is preferred within seven days after the publication of the notice prescribed by section 57 (2) or section 59 or after the date of any final order under section 58, as the case may be, and no appeal shall lie in respect of any other tax unless it is preferred within seven days from the time when the demand for the tax is made [or in

<sup>1</sup> Now designated "Secretary to the Resident".

the case of any tax levied which, under any general or special bye-law or rule in force, is liable to be refunded, within seven days from the date of the order passed by the Commissioner regarding such refund.]

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the officer before whom the appeal is preferred, that he had sufficient cause for not presenting the appeal within that period.

(2) No appeal shall be entertained unless the appellant has paid all taxes due under this Law from him to the Commission up to the date of such appeal.

52. *Taxation not to be questioned except under this Law.*—No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than is provided by this Law.

53. *Duty of furnishing true information regarding liability to Municipal taxation.*—[For the purposes of this chapter, the Commission may, by notice in writing.

- (1) (a) call on the owner of any land or building to furnish, within a week after the service of the notice, returns of the rent actually received for such land or building, of the measurements thereof and of the cost of erecting the building, and.
- (b) call on the occupier of any land or building to furnish, within a week after the service of the notice, a return of the rent actually paid for such land or building and of the name of the owner.
- (2) Every owner or occupier on whom such requisition is served shall be bound to comply with the same and to make a true return to the best of his knowledge and belief.
- (3) If any person so called upon to furnish information (a) omits to furnish it, or (b) furnishes information which he knows or has reason to believe to be untrue, he shall be punishable in case (a) with fine which may extend to ten rupees, and in case (b) with fine which may extend to one hundred rupees.]<sup>2</sup>

*Taxes on immoveable property.*

54. *Preparation of assessment list.*—(1) The Commission shall cause an assessment list of all buildings and lands on which any tax is imposed to be prepared containing—

- (a) The name of the street or division in which the property is situated;

<sup>1</sup> Added by Notification No. 5069-I. A., dated the 21st December, 1906. *Gazette of India*, 1906, Pt. I, p. 926.

<sup>2</sup> Substituted by Notification No. 912-I. B., dated the 13th May, 1910. *Gazette of India*, 1910, Pt. I, p. 381.

- (b) A designation of the property, either by name or by number, sufficient for its identification;
- (c) The names of the owner and occupier, if known;
- (d) The annual value, area or length of frontage on which the property is assessed; and
- (e) The amount of the tax assessed thereon by the Commission.

(2) For the purpose of preparing the list, the Commission may require the owners or occupiers of the buildings or lands to furnish it with the returns of the measurements and of the rent or annual value.

55. *Publication of notice of assessments.*—When the assessment list has been completed, the Commission shall give public notice thereof and of the place where the list or a copy thereof may be inspected; and every person claiming to be either the owner or the occupier of property included in the list and any authorized agent of such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

56. *Public notice of time fixed for revising assessment list.*—(1) The Commission shall, at the time of the publication of the assessment list, give public notice of a time, not less than one month thereafter, when it will proceed to revise the valuation and assessment; and in all cases in which any property is for the first time assessed, or the assessment thereof is increased, it shall also give notice of the fact to the owner or occupier of the property.

(2) All objections to the valuations and assessments shall be made in writing before the time fixed in the notice.

57. *Settlement of list.*—(1) After the objections (if any) made have been inquired into and the persons making them have been given an opportunity of being heard either in person or by authorized agent, as they may think fit, and the revision of the valuation and assessment has been completed, the amendments made in the assessment list shall be authenticated by the signatures of not less than two Commissioners, who shall at the same time certify that no valid objection has been made to the valuation and assessment contained in the list, except in the cases in which amendments have been entered therein; and, subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the year commencing on the first day of April next ensuing, as also, in the case of a tax then imposed for the first time, for the period between the commencement of the tax and such first day of April.

(2) The list when amended under this section shall be deposited in the Commission's office and shall there be open during office hours to all owners or occupiers of property comprised therein, or the agents of such persons, and a public notice that it is so open shall forthwith be given.

58. *Further amendments of assessment list.*—[(1) The Commission may at any time amend the assessment list by inserting the name of any person whose name ought to have been inserted, or by inserting any property which ought to have been inserted, or by altering the assessment on any property which has been erroneously valued or assessed through fraud, accident or mistake, after giving notice, to every person interested in the amendment, of a time not less than one month from the date of service of such notice at which the amendment is to be made.

(2) Any person interested in any such amendment may tender his objection to the Commission in writing before the time fixed in the notice, and shall be given an opportunity of being heard in support of the same in person or by authorized agent, as he may think fit.

(3) When any building is first constructed, re-built or enlarged, the owner shall give intimation thereof to the Commission within fifteen days from the completion of such first construction, re-building or enlargement or from the date of occupation of such building, whichever date happens first. The Commission shall, on receipt of the said intimation, assess the tax leviable in respect of the building. For every whole month intervening between the date of completion or occupation and the end of the half-year, one-sixth of the half-yearly instalment of such new tax or enhanced tax shall be leviable.<sup>1</sup>

59. *New list need not be prepared every year.*—It shall be in the discretion of the Commission to prepare a new assessment list every year or to adopt the valuation and assessment contained in the list for any year, with such alterations as may in particular cases be deemed necessary, as the valuation and assessment for the year following, giving the same notice of the valuation and assessment as if a new assessment list had been prepared.

60. *Remission of tax on unoccupied immoveable property.*—(1) When any property assessed to a tax under section 41, sub-section (1), division (A), clause (a) or under section 43, which is payable by the year or by instalments has remained unoccupied and unproductive of rent throughout the year or the period in respect of which any instalment is payable, the Commission may remit the amount of the tax or of the instalment, as the case may be:

Provided that no such remission shall be granted unless notice in writing of the circumstances under which it is claimed has been given to the Commission within the first month of the period in respect of which it is claimed.

(2) When any such property as aforesaid—

(a) has not been occupied or productive of rent for any period of not less than sixty consecutive days, or

<sup>1</sup> Substituted by Notification No. 912-J. B., dated the 13th May, 1910 *Gazette of India*, 1910, Pt. I, p. 381.

- (b) consists of separate tenements one or more of which has or have not been occupied or productive of rent for any such period as aforesaid, or
- (c) is wholly or in greater part demolished or destroyed by fire or otherwise,

the Commission may remit such portion (if any) of the tax or instalment as it may think equitable.

(3) The burden of proving the facts entitling any person to claim relief under this section shall lie upon him.

(4) For the purposes of this section neither the presence of a caretaker nor the mere retention in an otherwise unoccupied dwelling house of the furniture habitually used in it shall constitute occupation of the house.

(5) For the purposes of this section a house shall be deemed to be productive of rent if let to a tenant who has a continuing right of occupation thereof, whether it is actually occupied by such tenant or not.

61. *Taxes on immoveable property by whom payable.*—(1) A tax payable under section 41, sub-section (1), division (A), clause (a), shall be paid by the owner of the property in respect of which it is payable.

(2) A tax payable under section 43 shall be paid by the owner or the occupier of the property in respect of which it is payable according as the Commission shall determine.

62. *Procedure in assessing profession tax.*—The provisions of sections 54 to 59, both inclusive, shall be applied as far as may be, to the assessment of any tax levied under section 41, sub-section (1), division (A), clause (b).

#### *Octroi and tolls.*

63. *Power to examine and search for article liable to octroi.*—(1) Every person bringing or receiving within the octroi limits of the Station any article liable to octroi shall, when required by an officer authorized by the Commission in this behalf, and so far as may be necessary for ascertaining the amount of tax chargeable,—

- (a) permit that officer to inspect, examine, weigh and otherwise deal with the article; and
- (b) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature which he may possess relating to the article.

(2) If any person bringing or receiving any conveyance or package within the octroi limits of the Station refuses, on the demand of an officer authorized by the Commission in this behalf, to permit such officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any article liable to octroi, such officer

may cause the conveyance or package to be taken without unnecessary delay before any Magistrate or Commissioner, who shall cause the inspection to be made in his presence.

64. *Presentation of bill for octroi.*—Every officer demanding octroi by the authority of the Commission shall tender to every person introducing or receiving any article on which the tax is claimed, a bill specifying the article taxable, the amount claimed and the rate at which the tax is calculated.

65. *Recovery of octroi and tolls.*—(1) In case of non-payment of any octroi or of any toll on demand, the officer empowered to collect the same may seize any article on which the octroi is payable, or any vehicle or animal on which the toll is chargeable, or any part of the burden carried by such vehicle or animal which is of sufficient value to satisfy the demand.

(2) The Commission may cause any property so seized, or so much thereof as may be necessary, to be sold by auction to satisfy the demand with the expenses occasioned by the seizure, custody and sale thereof, unless the demand and expenses are in the meantime paid, after the lapse of five days from the seizure, and after the issue of a proclamation fixing the time and place of sale :

Provided that, by order of the President or a Vice-President, articles of a perishable nature which could not be kept for five days without serious risk of damage, may be sold after the lapse of such shorter time as he may, having regard to the nature of the articles, think proper.

66. *Penalty for evasion of payment of octroi.*—If goods passing within the octroi limits of the Station are liable to the payment of octroi, then every person who, with the intention to defraud the Commission, causes or abets the introduction of, or himself introduces or attempts to introduce, within the said octroi limits, any such goods upon which payment of the octroi due on such introduction has neither been made nor tendered, shall be punishable with fine which may extend either to ten times the value of such octroi or to fifty rupees, whichever may be greater.

67. *License for sale of article liable to octroi.*—(1) The Commission may, with the sanction of the Resident, which shall be notified,<sup>1</sup> require any person selling any article liable to octroi to obtain from the Commission a license for that purpose, and to pay therefor such fees as shall from time to time, with the approval of the Resident, be fixed in that behalf.

(2) After notification of such sanction,—

(i) any person selling or keeping for sale any such article without a license or having in his possession any such article on

<sup>1</sup> See Notification No. 5202, dated the 3rd December, 1897. *Infra*, p. 809.

which octroi has not been paid shall be liable, on conviction before a Magistrate, to a fine not exceeding rupees one hundred, and to confiscation of all such articles in his possession; and

- (ii) any officer of the Commission authorized by the Commission in this behalf if he has reason to believe that any such article on which octroi has not been paid, is kept or concealed in any premises, may, after obtaining the warrant of a Magistrate, enter and search at any time such premises, and, if he finds any such article on which octroi has not been paid, may seize any such article and arrest any person in possession of the same:

Provided that any article or person so seized or arrested shall be produced before a Magistrate exercising jurisdiction within the Station within twenty-four hours from the time of such seizure or arrest:

Provided also that nothing in this section shall apply to any such articles not exceeding rupees two hundred in value purchased by any person for his private use or sold by auction consequent on the owner dying or quitting the Station:

- (iii) the provisions of the Code of Criminal Procedure, 1882,<sup>1</sup> as applied to the Station, shall, so far as may be, apply to all searches and arrests effected under this section.

(3) The Resident may by notification at any time revoke the sanction given by him under sub-section (1), and thereupon a license for the sale of such article as aforesaid shall not be necessary and the other provisions of this section shall in respect of such article cease to have any effect.

### <sup>2</sup>[*Duty on Transfers of immoveable Property.*

67-A. *Method of assessment of duty on transfer of immoveable property.*—A duty<sup>3</sup> on transfers of property shall be levied in the form of a surcharge on the duty imposed by the Indian Stamp Act, 1899, as applied to the Station, on all instruments of transfer of immoveable property situated within the limits of the Station by sale, gift, mortgage or otherwise, which may be executed after the introduction of the above duty, at a rate not exceeding two per centum on the amount of the consideration, the value of the property or the amount secured by the instrument as set forth therein, as the case may be, and shall be recovered from the transferors of immoveable property of a value exceeding rupees five thousand.

<sup>1</sup> See now Act V of 1898, as applied by Notification No. 261-I., dated the 24th April, 1929. Printed *supra*, p. 39.

<sup>2</sup> Added by Notification No. 2262-I. B., dated the 2nd August, 1921. *Gazette of India*, 1921, Pt. I, p. 1045.

<sup>3</sup> See Notification No. 66, dated the 30th November, 1921, *infra*, p. 617.



67-B. *Provisions applicable on introduction of transfers duty*.—On the introduction of a duty on transfers—

- (a) section 27 of the Indian Stamp Act, 1899, as applied to the II of 1899. Station, shall be read as if it specifically required the particulars to be set forth separately in respect of property situated within and without the limits of the Station in instruments of transfer of immoveable property.
- (b) section 64 of the Indian Stamp Act, 1899, as applied to the II of 1899. Station shall be read as if it referred to the Commission as well as to the Government.

#### CHAPTER IV.—MUNICIPAL FUND AND PROPERTY.

68. *Constitution of Municipal Fund*.—There shall be formed for the Station a Municipal Fund, and there shall be placed to the credit thereof—

- (a) all sums received by, or on behalf of, the Commission under this Law or otherwise;
- (b) all fines realised in cases in which prosecutions are instituted under this Law or any rules thereunder or under section 34 of Act V of 1861, as applied to the Station; and
- (c) the balance (if any) standing at the credit of the Municipal Fund of the Station at the commencement of this Law.

69. *Application of Municipal Fund*.—(1) The Commission shall set apart and apply out of the Municipal Fund,

- (a) first, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it; and
- (b) secondly, such sum as may be required to meet the charges of its own establishment.

(2) Subject to the charges specified in sub-section (1) and to such rules as the Resident may make with respect to the priority to be given to the several duties of the Commission, the Municipal Fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following matters, namely:—

- (a) the construction, maintenance, improvement, cleansing and repair of streets and of public bridges, embankments, drains, latrines, tanks and water-courses;
- (b) the watering and lighting of streets or any of them;
- (c) the construction, establishment and maintenance of schools, hospitals, dispensaries and other institutions for the promotion of education or the benefit of the public health, and of rest-houses, chattrams, poor-houses, markets, encamping-

grounds, pounds and other works of public utility, and the control and administration of public institutions of any of these descriptions;

- (d) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper asylums, and other educational or charitable institutions;
- (e) the training of teachers and the establishment of scholarships;
- (f) the giving of relief and the establishment and maintenance of relief works in time of famine or scarcity;
- (g) the supply, storage and preservation from pollution of water for the use of men or animals;
- (h) the planting and preservation of trees and plants;
- (i) the taking of a census, the registration of births, marriages and deaths, public vaccination and any sanitary measure,
- (j) the holding of fairs and industrial exhibitions; and
- (k) all other acts and things which are likely to promote the safety, health, welfare or convenience of the inhabitants, or expenditure whereon may be declared by the Commission, with the sanction of the Resident, to be an appropriate charge on the Municipal Fund.<sup>1</sup>

70. *Contribution by military authorities.*—The Commission may receive from the military authorities such annual contribution (if any) as the Governor General in Council may be pleased from time to time to fix in respect of all municipal institutions, streets, works, establishments or arrangements maintained, executed, entertained or effected from the Municipal Fund, which contribute to the safety, health, welfare or convenience of the inhabitants of the buildings and lands exempted by section 5 from the operation of this Law.

71. *Where the Municipal Fund shall be lodged.*—The Municipal Fund shall be lodged with the branch Bank of Madras or such other bank or public treasury as may be hereafter selected by the Commission with the sanction of the Resident.

72. *Investment of same.*—(1) The Commission may, from time to time, with the previous sanction of the Resident, invest any portion of the Municipal Fund in securities of the Government of India, or such other securities as the Governor General in Council may approve in this behalf, and may, from time to time, with the like sanction, realize such investments or vary them for others of a like nature.

(2) The income resulting from the securities and the proceeds of the sale of the same shall be credited to the Municipal Fund.

<sup>1</sup> For the grant from the Municipal Fund of assistance to indigent persons unconnected with the public service to proceed to the Pasteur Institute at Coonoor for treatment, see Notification No. 25, dated the 24th March, 1909. *Gazette of India*, 1909, Pt. II, p. 595.

73. *Property vested in Commission*.—Subject to the provisions of sections 5 and 6, all property of the nature hereinafter in this section specified and situated within the Station shall be vested in and belong to the Commission, and shall, with all other property which may become vested in the Commission, be under its direction, management and control, and shall be held and applied by it for the purposes of this Law, that is to say—

- (a) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depôts, and public buildings of every description which have been constructed or are maintained out of the Municipal Fund;
- (b) all public streams, tanks, springs, wells and works for the supply, storage and distribution of water for public purposes, and all bridges, buildings, engines, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;
- (c) all public sewers and drains, and all sewers, drains, culverts and water-courses in, alongside or under any street and all works, materials and things appertaining thereto;
- (d) all dust, dirt, dung, ashes, refuse, animal matter or filth or rubbish of any kind, or dead bodies of animals, collected by the Commission from the streets, houses, privies, sewers, or elsewhere, or deposited in places fixed by the Commission under section 112;
- (e) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto;
- (f) all land or other property transferred to the Commission by the Government or by gift, purchase or otherwise for local public purposes;
- (g) all streets and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

74. *Direction, management and control of public institutions*.—(1) The direction, management and control of every public institution maintained out of the Municipal Fund shall vest in the Commission:

Provided that the extent of the independent authority of the Commission in respect of any such institution may be prescribed by the Resident.

(2) When any public institution has been placed under the direction, management and control of the Commission, all property endowments and funds belonging thereto shall be held by the Commission in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed.

75. *Transfer to Her Majesty of property vesting in Commission.*—The Commission may, with the sanction of the Resident, transfer to Her Majesty any property vesting in the Commission under section 73 or section 74, but not so as to affect any trusts or public rights subject to which the property is held.

CHAPTER V.—POWERS FOR SANITARY AND OTHER PURPOSES.

*Streets and buildings.*

76. *Power to acquire land for building sites adjoining new streets.*—When any land is required for a new street, or for the improvement of an existing street, the Commission may proceed to acquire, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on both sides of the street.

77. *Power to close streets.*—The Commission may close temporarily any street or any part thereof for the purpose of repairs, or for the purpose of constructing or repairing any sewer, drain, culvert or bridge, or for any other public purpose; and may divert, discontinue or close permanently any street, and sell the land or such part thereof as may not be required for the purposes of this Law.

78. *Power to permit temporary occupation of streets, etc.*—The Commission may grant permission in writing for the temporary occupation of any street or land vesting in it for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of persons passing by or dwelling or working in the neighbourhood, and may charge fees for such permission, and may at any time in its discretion withdraw any permission granted as aforesaid.

79. *Power to attach brackets for lamps.*—The Commission may attach to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience.

80. *Names of streets and numbers of buildings.*—(1) The Commission may cause a name to be given to any street, and to be affixed on any building in such place as it may think fit, and may also cause a number to be affixed to any building; and in like manner may, from time to time, cause such names and numbers to be altered.

(2) [When a number has been affixed under sub-section (1), the owner of the building shall be bound to maintain such number and to replace it if removed or defaced, and if he fails to do so, the Commission may, by written notice, require him to replace the same.]<sup>1</sup>

(3) Whoever destroys, pulls down or defaces any such name or number or puts up any different name or number from that put up by order

<sup>1</sup> Inserted and the following sub-section renumbered by Notification No. 912-I.B., dated the 13th May, 1910. *Gazette of India*, 1910, Pt. I, p. 381.

of the Commission, shall be punishable with fine which may extend to twenty rupees.

81. *Roofs and external walls not to be made of inflammable materials.*—The Commission may direct that within certain limits, to be fixed by it, the roofs and external walls of huts or other buildings shall not be made or renewed of grass, mats, leaves or other highly inflammable material without its written permission; and it may, by notice, require any person who has disobeyed any such direction, to remove or alter the roofs and walls so made or renewed as it may think fit.

82. *Power to regulate line of buildings.*—(1) If any building or part of a building projects beyond the regular line of a street either existing or determined on for the future, or beyond the front of the building on either side thereof, the Commission may, whenever such building or part has been either entirely or in greater part taken down or burnt down or has fallen down, by notice, require such building or part, when being rebuilt, to be set back to or towards the said regular line or the front of the adjoining buildings; and the portion of the land added to the street by such setting back or removal shall become part of the street and shall vest in the Commission :

Provided that the Commission shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back.

(2) The Commission may, on such terms as it may think fit, allow any building to be set forward for the improvement of the line of the street.

83. *Notice of new buildings.*—(1) Whoever intends to erect or re-erect any building shall, if required to do so by any bye-law, give notice in writing in the manner hereinafter prescribed of his intention to the Commission, and the Commission may within six weeks after the receipt of such notice either refuse to sanction the said building, or may sanction the said building either absolutely or subject to any written directions which the Commission may deem fit to issue in respect of all or any of the matters following, namely:—

- (a) the free passage or way in front of the building;
- (b) the space to be left about the building to secure the free circulation of air and facilitate scavenging, and for the prevention of fire;
- (c) the ventilation and the provision and position of drains and privies, and the situation of wells;
- (d) the level and width of foundation, the level of lowest floor and the stability of the structure; and
- (e) the line of frontage with neighbouring buildings, if the building abuts on a street.

The person erecting or re-erecting any such building as aforesaid shall obey all such written directions:

Provided that the Commission shall make full compensation to the owner for any damage which he may sustain in consequence of the prohibition of the re-erection of any building, or of its requiring any land belonging to him to be added to the street.

(2) Every person giving notice to the Commission under sub-section (1) shall, if required to do so by any bye-law, forward along with his notice a plan and specification of the building which he intends to erect or re-erect together with a site-plan of the land of such character and with such detail, as the bye-law may require, and no such notice shall be valid until such plans and specification have been supplied.

(3) In any case to which sub-section (2) does not apply, the Commission may, within fifteen days after the receipt of a notice under sub-section (1), require a person who has given such notice to submit within one week of the receipt of the requisition a sufficient plan and specification of the building which he intends to erect or re-erect, together with a site-plan of the land, with such reasonable details as the Commission may prescribe in its requisition; and the notice shall not be valid until such plans and specification have been supplied.

(4) If any such building is begun or erected without notice, or without the submission of such plans and specification as aforesaid, or in contravention of any lawful order of the Commission issued within six weeks of receipt of a valid notice under sub-section (1), the Commission may, by notice to be delivered within a reasonable time, require the building to be altered or demolished as it may deem necessary.

(5) If the Commission neglects or omits for six weeks after the receipt of a valid notice under sub-section (1) to make and deliver to the person who has given such notice, any order in respect thereof, it shall be deemed to have sanctioned the proposed building:

Provided that the erection or re-erection be otherwise in accordance with the provisions of this Law.

(6) Every sanction for the erection or re-erection of any building given or deemed to have been given by the Commission shall remain in force for one year from the date on which the notice shall have become valid and complete and no longer, and, if the building so sanctioned has not been begun by the person who has obtained such sanction, or some one lawfully claiming under him, within such year, it shall not be begun without fresh sanction; but such person as aforesaid may at any subsequent time give fresh notice to the Commission in the manner hereinbefore prescribed and thereupon the provisions hereinbefore contained shall apply to such notice.

(7) Nothing in this section shall apply to any buildings erected or to be erected on land owned or occupied by the Government of India.

<sup>1</sup>[83A. *Powers of Resident in certain areas.*—(1) Notwithstanding anything contained in section 83, the Resident may, with the previous sanction of the Governor General in Council by notification in the local official Gazette, direct that in any area specified in such notification no building shall be erected or re-erected save with the permission in writing of the Resident, and it shall be competent to the Resident either to refuse such permission or to grant it absolutely, or subject to such conditions and restrictions as he may deem fit to impose:

Provided that in case of emergency such notification may be issued without the previous sanction of the Governor General in Council, and in that event a copy thereof shall forthwith be forwarded to the Governor General in Council who may by notification published in the *Gazette of India* order the cancellation or modification of the same:

Provided further that the Commission shall make full compensation to the owner for any damage which he may sustain in consequence of the prohibition by the Resident of the re-erection of any building or of the Resident requiring any land belonging to such person to be added to a street.

(2) So long as any notification issued under sub-section (1) is in operation, the provisions of section 83 shall not apply to the area included in such notification:

Provided that no sanction granted by the Commission under section 83 before the issue of a notification under this section shall be invalidated by reason only of the issue of such notification, and the provisions of section 83 shall continue to apply to the erection or re-erection of a building in accordance with such sanction to the exclusion of the provisions of this section.

(3) Whoever intends to erect or re-erect any building within an area included in a notification issued under this section shall give notice in writing of his intention to the Resident, and, in exercise of the powers conferred on him under sub-section (1), the Resident shall pass orders within six weeks after the receipt of such notice.

(4) If the Resident neglects or omits for six weeks after the receipt of a valid notice under sub-section (3) to make and deliver to the person who has given such notice any order in respect thereof, he shall be deemed to have sanctioned the proposed building:

Provided that the erection or re-erection be otherwise in accordance with the provisions of this Law.

(5) Every sanction for the erection or re-erection of any building given or deemed to have been given by the Resident shall remain in force for one year from the date on which the notice shall have become valid

<sup>1</sup> Inserted by Notification No. 152-I., dated the 1st April, 1925. *Gazette of India*, 1925. Pt. I, p. 290.

and complete and no longer, and if the building so sanctioned has not been begun by the person who has obtained such sanction or by any one lawfully claiming under him within such year, it shall not be begun without fresh sanction; but such person as aforesaid may at any subsequent time give fresh notice to the Resident in the manner hereinbefore prescribed and thereupon the provisions hereinbefore contained shall apply to such notice.

(6) Whoever does any act in breach of a direction under sub-section (1) or of any condition or restriction imposed thereunder, shall be punishable with fine which may extend to fifty rupees and when the breach is a continuing breach with a further fine which may extend to five rupees for every day after the first during which the breach continues.

(7) The Resident may, after giving one month's notice to the owner of a building erected or re-erected in contravention of a direction under sub-section (1) or of any condition or restriction imposed thereunder, order the demolition of such building, and no person shall be entitled to any compensation for any loss or injury arising out of such demolition.

(8) The Governor General in Council may, on his own motion or on the application of any person aggrieved, cancel or modify any order passed by the Resident under the powers conferred by this section.

(9) The provisions of section 182 as to the service and validity of notices shall apply to a notice issued under sub-section (7) and to an order issued under sub-section (3), as though such notice or order were a notice issued by the Commission under this Law.]

84. *Power of Commission to make bye-laws as to mode of construction of buildings.*—(1) The Commission may, by bye-law, regulate in respect of the erection or re-erection of any building within the Station—

- (a) the materials and method of construction to be used for external and party walls, roofs, floors, doors, fire-places and chimneys;
- (b) the position of fire-places, chimneys, drains, privies and wells;
- (c) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on;
- (d) the number and height of the storeys of which the building may consist;
- (e) the means to be provided for egress from the building in case of fire; and
- (f) the manner in which notice shall be given to the Commission under section 83, sub-sections (1) and (2):



Provided that the Commission may, by resolution passed at a meeting, dispense with the observance of all or any of the bye-laws made under this section in regard to the erection or re-erection of any building specified in the resolution.

(2) If in and during the erection or re-erection of any building any bye-law under this section is contravened, the Commission may, by notice, to be delivered within a reasonable time, require the building to be altered or demolished within the space of thirty days as it may deem necessary :

Provided that no such notice shall issue in respect of the contravention of any bye-law of which the observance has been dispensed with under the proviso to sub-section (1).

85. *Definition of expression "erect or re-erect any building".*—The expression "erect or re-erect any building" includes—

- (a) any material alteration or enlargement of any building;
- (b) the conversion into a place for human habitation of any building not originally constructed for human habitation;
- (c) the conversion into more than one place for human habitation of a building originally constructed as one such place;
- (d) the conversion of two or more places of human habitation into a greater number of such places;
- (e) such alterations of the internal arrangements of a building as effect an alteration of its drainage or sanitary arrangements or affect its security; and
- (f) the addition of any rooms, buildings, out-houses or other structures to any building.

86. *Removal of projections and obstructions.*—(1) It shall not be lawful, without the written permission of the Commission, for the owner or occupier of any building to add to, or place against or in front of, the building any projection or structure over-hanging, projecting into, or encroaching on, any street, or into or on any drain, sewer or aqueduct therein.

(2) The Commission may, by notice, require the owner or occupier of any building to remove or alter any such projection or encroachment as aforesaid :

Provided that, in the case of any projection or encroachment lawfully in existence at the commencement of this Law, the Commission shall make reasonable compensation for any damage caused by the removal or alteration.

(3) The Commission may, by resolution passed at a meeting, give permission to the owners or occupiers of buildings in any particular street to put up open verandahs, balconies or rooms projecting from any upper

storey thereof to an extent beyond the line of the plinth or basement wall and at a height from the level of the ground or street, to be specified in the resolution.

*Water pipes, privies and drains.*

87. *Troughs and pipes for rain water.*—The Commission may, by notice, require the owner of any building or land adjoining any street to put and keep in good condition proper troughs and pipes for receiving and carrying the water from the building or land and for discharging the same so as not to inconvenience persons passing along the street.

88. *Provision of drains, privies, etc.*—(1) The Commission may, by notice, require the owner of any building or land to remove any cess-pool or to remove or provide any drain, privy or receptacle for filth, or provide any additional drains, privies or receptacles as aforesaid which should, in its opinion, be provided for the building or land, in such manner as the Commission may direct, or to make to the reasonable satisfaction of the Commission and maintain in good order a drainage connection with any public sewer or drain not situated more than one hundred feet from such building or land as aforesaid:

Provided that such owner shall not be liable for any default in making or maintaining such drainage connection, if the land through which the said drainage connection is required to pass, does not belong to him and he can prove that the default was caused by the act of the owner or occupier of such last mentioned land.

(2) The Commission may, by notice, require any person employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit and to cause the same to be kept in proper order and to be daily cleansed.

(3) The Commission may, by notice, require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the Commission may direct, any door or trap-door of a privy opening on to any street or drain.

89. *Repair and closing of drains and privies.*—(1) The Commission may, by notice, require the owner or occupier of any building or land to repair, alter or put in good order any drain or privy or to close any drain or privy belonging thereto.

(2) The Commission may, by notice, require any person who constructs any new drain or privy without its permission in writing or contrary to its directions or bye-laws or to any of the provisions of this Law, or who constructs, rebuilds or opens any drains or privy which it has ordered to

be demolished or stopped up or not to be made, to demolish the drain or privy or to make such alteration therein as it may think fit.

90. *Unauthorized buildings over drains, etc.*—The Commission may, by notice, require any person who, without its permission in writing, newly erects or rebuilds any building over any sewer, drain, culvert, water-course or pipe vested in the Commission, to pull down or otherwise deal with the same as it may think fit.

*Dangerous buildings and places.*

91. *Power to require buildings, wells, tanks, etc., to be secured.*—If any building, or any well, tank, reservoir, pool, depression or excavation is, for want of sufficient repair, protection or enclosure, dangerous to persons passing by or dwelling or working therein or in the neighbourhood, the Commission may, by notice, require the owner or occupier thereof to repair, protect or enclose the same; and if it appears to it to be necessary in order to prevent imminent danger, the Commission shall forthwith take such steps to avert the danger as may, in its opinion, be necessary.

92. *Buildings, etc., in ruinous or dangerous state.*—If any building, wall or structure or anything affixed thereto, or any bank or tree, is deemed by the Commission to be in a ruinous state or in any way dangerous, it may, by notice, require the owner or occupier thereof forthwith either to remove the same or to cause such alterations or repairs to be made thereto as it may deem necessary for the public safety; and, if it appears to it to be necessary in order to prevent imminent danger, the Commission shall forthwith take such steps to avert the danger as may, in its opinion, be necessary.

*Buildings and lands in unsanitary condition.*

93. *Power to require owner to clear away noxious vegetation.*—The Commission may, by notice, require the owner or occupier of any land to clear away and remove any thick vegetation or undergrowth which may appear to it to be injurious to health or offensive to the neighbourhood.

94. *Power to require hedges and trees to be trimmed.*—The Commission may, by notice, require the owner or occupier of any land to cut or trim within three days the hedges growing thereon and bordering on any street or any branches of trees growing thereon which overhang any street and obstruct the same or cause danger thereto, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof.

95. *Cleansing of filthy buildings or land.*—If the owner or occupier of any building or land suffers the same to be in a filthy or unwholesome state, the Commission may, by notice, require him within twenty-four hours to cleanse it or otherwise put it in a proper state.

96. *Power to prohibit use for human habitation of buildings unfit for such use.*—If any building, or any part of any building, appears to the Commission to be unfit for human habitation in consequence of the want of proper means of drainage or ventilation or for any other sufficient reason, the Commission may, by notice, prohibit the owner or occupier thereof from using the same for human habitation, or suffering it to be so used, until it has been rendered fit for such use to the reasonable satisfaction of the Commission.

97. *Power to require untenanted buildings becoming a nuisance to be secured or enclosed.*—The Commission may, by notice, require the owner, or part-owner, or person claiming to be the owner, or part-owner, of any building or land which, by reason of abandonment or disputed ownership or other cause, has remained untenanted and become a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time, fixed in the notice.

98. *Cultivation, use of manure or irrigation, injurious to health, after prohibition.*—(1) The Resident may, on the report of the Commission that the cultivation of any description of crop or the use of any kind of manure or the irrigation of land in any specified manner in any place within the limits of the Station is injurious to the health of persons dwelling in the neighbourhood, by notification prohibit the cultivation of such crop, the use of such manure or the use of the method of irrigation so reported to be injurious, or impose such conditions with respect thereto as may prevent the injury:

Provided that, when on any land to which such notification applies, the act prohibited has, in the ordinary course of husbandry, been practised during the five years next preceding the date of the notification, compensation shall be paid from the Municipal Fund to all persons interested therein for any damage caused to them by the effect of such notification.

(2) Whoever disobeys any notification issued under sub-section (1) shall be punishable with fine which may extend to fifty rupees and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

#### *Sources of water-supply.*

99. *Power to require removal of nuisance arising from tanks and the like.*—The Commission may, by notice, require the owner or occupier of any land or building to cleanse, repair, temporarily close, cover, fill up or drain off any private well, tank, reservoir, pool, depression or excavation therein which may appear to the Commission to be likely to be injurious to health or offensive to the neighbourhood:

Provided that, if for the purpose of effecting any drainage under this section it should be necessary to acquire any land not belonging to the

same owner or to pay compensation to any person, the Commission shall provide such land or pay such compensation.

100. *Removal of latrines, etc., near any source of water-supply.*—The Commission may, by notice, require any owner or occupier on whose land any drain, latrine, urinal or receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source from which water is, or may be, derived for public use, to remove or close the same within one week from the date of service of such notice.

101. *Bathing and washing places.*—The Commission may set apart suitable places for the purpose of bathing and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for the washing of animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants; and may, by public notice, prohibit bathing, or the washing of animals or clothes, in any public place not so set apart, or at times or by persons other than those specified, and any other act by which water in public places may be rendered foul or unfit for use.

*Articles of food and drink.*

102. *Power for Commission to regulate manufacture, preparation and sale of food and drink.*—The Commission may, by bye-law,—

- (a) prohibit the manufacture, production or preparation for sale of any specified articles of food or drink in any premises not licensed by the Commission;
- (b) regulate the grant and withdrawal of licenses to premises for the manufacture, production or preparation for sale of such specified articles of food or drink;
- (c) regulate the hours and manner of transport within the Station of any specified articles of food or drink;
- (d) fix the places in which any specified article of food or drink may be sold or exposed for sale or the places in which it may not be sold or exposed for sale;
- (e) provide for the inspection and control of any premises or place licensed or fixed under clauses (b) and (d);
- (f) prohibit the sale of milk and butter by persons not licensed by the Commission;
- (g) prohibit the import into the Station for sale of milk and butter by persons not licensed by the Commission; and
- (h) fix the conditions on which licenses under clauses (f) and (g) are to be granted and may be revoked:

Provided that no person shall be punishable for breach of any bye-law made under clause (a) or clause (d) of this section by reason of the con-

tinuance of such manufacture, preparation or exposure for sale or sale upon any premises which are at the time of the making of such bye-law used for such purpose, until he has received from the Commission six months' notice to discontinue such manufacture, preparation or exposure for sale or such sale in such premises.

*Offensive and dangerous trades* <sup>1</sup>[*and factories*].

103. *Regulation of offensive and dangerous trades.*—(1) The owner or occupier of every place within the Station used for any of the following purposes, namely,—

- depositing or washing soiled clothes;
- boiling paddy;
- melting tallow or sulphur;
- boiling or storing bones, offal, blood or rags;
- washing or drying wool or hair;
- as a soap house, camphor or oil boiling house, dyeing house or tannery;
- as a brick-kiln, pottery or lime-kiln;
- as any other manufactory or place of business from which offensive or unwholesome smells arise;
- as a yard or depôt for trade in hay, straw, thatching-grass, wood, coal or other dangerously inflammable material;
- as a store house for any explosive or for petroleum<sup>1</sup> or any inflammable oil or spirit:

shall in April every year, or in the case of a place newly opened, before the opening of the same, apply to the Commission for a license for the use of such place for any of the purposes aforesaid.

(2) The license shall not be withheld<sup>2</sup> unless the Commission considers that the business which it is intended to establish or maintain, would be offensive or dangerous to persons residing in, or frequenting, the immediate neighbourhood.

(3) The Commission may charge fees, according to a scale to be approved by the Resident, for such licenses, and may impose such conditions in respect thereof as it may think necessary.

(4) Whoever, without such a license, uses any such place for any such purpose as aforesaid, shall be punishable with fine which may extend to fifty rupees and with a further fine not exceeding ten rupees for every day during which the offence is continued after he has been convicted of such offence.

<sup>1</sup> Inserted by Notification No. 786—1081-I., dated the 16th May, 1923. *Gazette of India*, 1923, Pt. I, p. 431.

<sup>2</sup> Cf. Notification No. 2671-I. A., dated the 12th March, 1908. Printed *infra*, p. 473.

<sup>1</sup>103-A. *Factories*.—(1) No person shall, without the previous written permission of the Commission, newly establish or materially alter, enlarge, or extend any factory, workshop or workplace in which it is intended to employ steam, water or other mechanical power.

(2) The Commission may refuse to give such permission if they are of opinion that the establishment, alteration, enlargement or extension of such factory, workshop or workplace would be objectionable by reason of the density of the population in the neighbourhood thereof, or would be a nuisance to the inhabitants of the neighbourhood.

104. *Power to prohibit such trades*.—(1) Whenever it is shown to the satisfaction of the Commission that any place <sup>1</sup>[licensed under section 103 or any factory, workshop or workplace of which the establishment, alteration, enlargement or extension has been permitted under section 103-A] is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, the Commission may, by notice, require the occupiers thereof to discontinue the use of such place, <sup>1</sup>[factory, workshop or workplace] or to use it in such manner as will, in the opinion of the Commission, render it no longer a nuisance or dangerous.

(2) Whoever, after any such notice has been given, uses such place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous, shall be punishable with fine which may extend to two hundred rupees and with a further fine not exceeding forty rupees for every day during which the offence is continued after he has been convicted of such offence.

#### *Slaughter-places.*

105. *Places for slaughter of animals for sale*.—(1) The Commission may fix places for the slaughter of animals for sale or of any specified description of such animals, and may grant and withdraw licenses for the use of such places, or, if they belong to the Commission, charge rent or fees for the use of the same.

(2) When any such places have been so fixed, no person shall slaughter any such animal for sale at any other place.

(3) Whoever slaughters for sale any such animal in contravention of sub-section (2) shall be punishable with fine which may extend to twenty rupees.

106. *Places for slaughter of animals not for sale*.—(1) The Commission may, by bye-law, fix places in which the slaughter of animals of

<sup>1</sup> Inserted and substituted by Notification No. 786-1081-I., dated the 16th May, 1923. *Gazette of India*, 1923, Pt. I, p. 431.

any particular kind not for sale shall be permitted, and may prohibit, except in case of necessity, such slaughter elsewhere :

Provided that no such bye-law shall apply to animals slaughtered for any religious purpose.

*Burial and burning grounds.*

107. *Powers in respect of burial and burning grounds.*—(1) The Commission may, by public notice, order any burial or burning ground which is, in its opinion, dangerous to the health of persons living in the neighbourhood to be closed from a date to be specified in the notice, and shall, in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

(2) Private burial places in such burial grounds may be excepted from the notice, subject to such conditions as the Commission may impose in this behalf :

Provided that the limits of such burial places are sufficiently defined, and that they shall be used only for the burial of members of the family of the owner thereof.

(3) No burial or burning ground, whether public or private, shall be made or formed after the commencement of this Law without the permission in writing of the Commission.

(4) Whoever buries or burns or causes or permits to be buried or burnt any corpse in any burial or burning ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, shall be punishable with fine which may extend to fifty rupees.

108. *Removal of corpses.*—The Commission may, by public notice, prescribe routes for the removal of corpses to burial or burning grounds.

*Inflammable materials.*

109. *Inflammable materials.*—The Commission may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice, prohibit all persons from stocking or collecting wood, dry grass, straw or other inflammable material or placing mats or thatched huts or lighting fires in any place or within any limits specified in the notice.

110. *Prohibitions for prevention of fire.*—The Commission may, by bye-law, prohibit the lighting of fires in the top storey of any building which, by reason of its contiguity to other buildings, might be a source of danger to the latter in the event of a fire breaking out within it, and the walls of which storey do not exceed seven feet in height, or the placing of stands for lamps and candles in any position which the Commission may deem to be dangerous to the public safety.



111. *Prohibition of excessive storage of petroleum.*—The Commission may, by bye-law, prohibit the storage of more than a fixed maximum quantity of any explosive, petroleum,<sup>1</sup> spirit, naphtha or other inflammable material in any building not licensed under section 103.

*General conservancy.*

112. *Removal and deposit of offensive matter.*—The Commission may fix places within the station for the deposit of refuse, rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals, and may, by public notice, give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be transported along any street and deposited at or removed from such places.

113. *Special provision with respect to disposal of dead bodies of animals.*—(1) Whenever any animal in the charge of any person dies, otherwise than by slaughter either for sale or for some religious purpose, the person in charge thereof shall within twenty-four hours either—

(a) convey the carcass to a place (if any) fixed by the Commission under the last foregoing section for the disposal of the dead bodies of animals, or

(b) give notice of the death to the Commission, whereupon the Commission shall cause the carcass to be disposed of.

(2) Whoever, being bound to act in accordance with sub-section (1), fails so to act, shall be punishable with fine which may extend to ten rupees.

(3) In respect of the disposal of the dead body of an animal under clause (b) of subsection (1), the Commission may charge such fee as it may, by bye-law, prescribe.

*Explanation.*—In this section the word “animal” includes all horned cattle, elephants, camels, horses, ponies, asses, mules, deer, sheep, goats, swine and other large animals.

*House-scavenging.*

114. *Definition of house-scavenging.*—The removal of filth, rubbish, ordure or other offensive matter from a privy or common receptacle for such matter in, or pertaining to, a house, building or enclosure is called house-scavenging.

115. *Undertaking by Commission of house-scavenging generally.*—(1) The Commission may at any time undertake the house-scavenging of any house, building or enclosure on the application or with the consent of the occupier.

<sup>1</sup> Cf. Notification No. 2671-J. A., dated the 12th March, 1908. Printed *infra*, p. 473.

(2) The Commission may, by public notice, undertake the house-scavenging of any houses, buildings or enclosures from any date not less than two months after issue of the notice.

(3) The occupier of any house, building or enclosure affected by the notice may at any time after the issue thereof apply to the Commission to exclude that house, building or enclosure from the notice.

(4) The Commission shall consider and pass orders upon every such application within six weeks of the receipt thereof, and may by any such order exclude such house, building or enclosure from the notice.

(5) In deciding whether to exclude any house, building or enclosure from the notice, the Commission shall consider, among other matters, the efficiency of the arrangements for house-scavenging made by the occupier (if any) and the purpose to which he applies the matter dealt with in house-scavenging.

116. *Savings in favour of agriculturists.*—Notwithstanding anything in the last foregoing section, the Commission shall not, except in accordance with the provisions of this Chapter, without the consent of the occupier, undertake the house-scavenging of any house, building or enclosure occupied by an agriculturist who himself cultivates land within the station.

117. *Continuance of house-scavenging once undertaken by Commission.*—When once the Commission has undertaken the house-scavenging of any house, building or enclosure under this chapter, it may continue to perform such house-scavenging with or without the consent of the occupier for the time being of such house, building or enclosure.

118. *Obligation of Commission to perform house-scavenging properly.*—When the Commission has undertaken the house-scavenging of any house, building or enclosure, it shall be bound to perform the same properly until it shall have relieved itself of the obligation by an order under section 115, sub-section (4).

119. *Powers of municipal officers and servants for house-scavenging purposes.*—The officers and servants of the Commission employed in connection with house-scavenging may at all reasonable times do all things necessary for the proper performance of any house-scavenging undertaken by the Commission under this chapter.

120. *Vesting in Commission of collections from house-scavenging.*—All matter removed by the servants of the Commission in the course of house-scavenging shall vest in the Commission.

121. *Punishment of agriculturists for negligence.*—(1) If any agriculturist who himself cultivates land within the Station fails to provide for the proper house-scavenging of any house, building or enclosure occupied by him, the Commission may make a complaint in respect of such failure to any Magistrate of the first class.

(2) The Magistrate receiving the complaint shall hold an inquiry, and if it appears to him that the agriculturist has not provided for the proper house-scavenging of the house, building or enclosure, he may pass an order empowering the Commission to undertake the same, and thereupon the Commission shall be entitled to undertake such house-scavenging.

(3) Every order passed by a Magistrate under sub-section (2) shall be final.

*Diseased animals.*

122. *Destruction of mad dogs.*—(1) The Commission may, by any person authorized by it in this behalf, destroy or cause to be destroyed or confine or cause to be confined for such period as the Commission may direct, any dog suffering from rabies or reasonably suspected to be suffering from rabies.

(2) No damages shall be payable in respect of any dog destroyed under this section.

123. *Information to be given of anthrax, etc.*—Every person within whose premises any case of anthrax, glanders, rinderpest or any other such disease affecting horses or cattle occurs, shall give immediate notice of the fact to the Commission and use such sanitary or other precautionary measures as he may, by notice from the Commission, be directed to adopt, to prevent the disease spreading and, if necessary, shall remove any such animal.

*Diseases dangerous to the public health.*

124. *Information to be given of existence of disease dangerous to the public health.*—(1) Whoever,—

- (a) being a medical practitioner or person openly and constantly practising the medical profession in the station and in the course of such practice becoming cognizant of the existence of any disease dangerous to the public health in any dwelling other than a public hospital, or, in default of such medical practitioner or person practising the medical profession,
- (b) being the owner or occupier of such dwelling, and being cognizant of the existence of such disease, or, in default of such owner or occupier,
- (c) being the person in charge of or in attendance on any person suffering from such disease in such dwelling, and being cognizant of the existence of the disease therein,

fails to give information, in such manner as the Commission shall by bye-law direct, or gives false information to the Commission, respecting

the existence of such disease, shall be punishable with fine which may extend to fifty rupees:

Provided that a person not required to give information in the first instance but only in default of some other person, shall not be punishable if it is shown that he had reasonable cause to suppose that the information had been or would be duly given.

(2) In this chapter, the expression "disease dangerous to the public health" means any disease declared<sup>1</sup> by the Commission, from time to time, by notification with the previous sanction of the Resident, to be such a disease.

125. *Removal to hospital of persons suffering from diseases dangerous to the public health.*—When any person suffering from any disease dangerous to the public health is—

- (a) without proper lodging or accommodation, or
- (b) living in a chattram or other public hostel, or
- (c) living in a room or house which he neither owns nor pays-rent for, or

(d) living in premises occupied by members of two or more families, the Commission may, by any person authorized by it in this behalf, on the advice of any medical officer of rank not inferior to that of an Assistant Surgeon, remove the patient to any hospital or place at which persons suffering from such disease are received for medical treatment, and may do anything necessary for such removal.

126. *Power to order disinfection and cleansing of buildings.*—The Commission may by any person authorized by it in this behalf by notice, direct all or any part of any building in which there has recently been any person suffering from any disease dangerous to the public health to be forthwith internally or externally limewashed, or otherwise cleansed or disinfected.

127. *Power to order destruction of infected articles.*—The Commission may, by any person authorized by it in this behalf, by notice, direct the destruction or disinfection of bedding, clothing or other articles likely to be contaminated by any disease dangerous to the public health:

Provided that compensation shall be paid from the Municipal Fund for the articles so destroyed.

128. *Disinfection of public conveyances contaminated by carrying diseased persons.*—Every owner or driver of a public conveyance shall provide for the disinfection of the conveyance immediately after it has to his knowledge conveyed any person suffering from any disease dangerous to the public health, and, if he fails to do so, shall be liable to a penalty not exceeding fifty rupees:

<sup>1</sup> See Notification No. 6041, dated the 1st February, 1898, *infra*, p. 809.

Provided that no such owner or driver shall be required to convey any person suffering from any such disease without payment or tender of a sum sufficient to cover the loss and costs which he must under this section incur for the purposes of disinfecting such conveyance, anything in this Law relating to public conveyances for the time being in force to the contrary notwithstanding.

129. *Penalty for letting infected rooms.*—Whoever lets a house or other building or part of a house or building in which any person has to his knowledge been suffering from a disease dangerous to the public health, without having such house, or other building or part thereof, and all articles therein liable to retain infection, disinfected to the satisfaction of a medical practitioner, as testified by such officer's certificate, shall be liable to a penalty not exceeding two hundred rupees.

*Explanation.*—For the purposes of this section a hotel or lodging-house-keeper shall be deemed to let part of his house to any person admitted as a guest into his hotel or lodging-house.

130. *Prohibition by Commission of use of unwholesome water.*—If the Commission considers that the water in any well, tank or other place is likely, if used for drinking, to engender or cause the spread of any disease dangerous to the public health, it may, by public notice, prohibit the removal or use of such water or temporarily close the well.

#### *Powers of entry.*

131. *Inspection of drains and privies.*—(1) The Commission may, by any person authorized by it in this behalf, at any time between sunrise and sunset enter into any building or upon any land and inspect any drains or privies therein or thereon, and may cause the ground to be opened where such person as aforesaid may think fit, for the purpose of preventing or removing any nuisance arising from the drains or privies.

(2) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building; but if it is found that no nuisance exists, or but for such opening would have arisen, the ground or portion of any building, drain or other work (if any) opened, injured or removed for the purpose of such inspection shall be filled in, restored and made good by the Commission.

(3) No building other than a latrine shall be entered under this section until six hours' notice in writing has been given to the occupier of the building by the Commission or by the person authorized by the Commission to make the entry.

132. *Power of entry for purpose of preventing spread of disease.*—The Commission may, by any person authorized by it in this behalf,

at any time enter any building in which any disease dangerous to the public health is reputed or suspected to exist, for the purpose of preventing the spread of the same.

133. *Other powers of entry on buildings or land.*—The Commission may, by any person authorized by it in this behalf, after giving twenty-four hours' notice to the occupier or, if there is no occupier, to the owner of any building or land, at any time between sunrise and sunset—

- (a) enter on and survey and take levels of any lands;
- (b) enter, inspect and measure any building for the purpose of valuation;
- (c) enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains or of executing or repairing any work which it is by this Law empowered to execute or maintain.

134. *Power to enter for discovery of vehicles or animals liable to taxation.*—The Commission may, by any person authorized by it in this behalf, at any time between sunrise and sunset enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Law for which a license has not been duly taken out.

135. *Power to inspect places for sale of food or drink, etc., and to seize unwholesome articles exposed for sale.*—The Commission may, by any person authorized by it in this behalf, at all reasonable times enter into and inspect any market, building, shop, stall or place used for the sale of food or drink for man, or for the slaughter of animals or for the sale of drugs and inspect and examine any food or drink, animal or drug which may be therein; and if any article of food or drink or any animal therein appears to be intended for the consumption of man and to be unfit therefor, may seize and remove the same, or may cause it to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such consumption; and, if it is reasonably suspected that any drug is adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may remove the same, giving a receipt therefor, and may cause the owner thereof to be brought before a Magistrate for enquiry as to whether any offence has been committed in respect thereof, and for orders as to its disposal.

136. *Search for inflammable or explosive material in excess of authorized quantity.*—(1) The Commission may by any person authorized by it in this behalf, at any reasonable time enter upon and inspect any house or building which is suspected to contain petroleum, explosives or other inflammable material, in excess of the quantity permitted to be kept in such house or building under this Law or any rule, bye-law or public notice made or published thereunder.

(2) If any excess quantity as aforesaid of such material is discovered, it may be seized and held subject to such orders as a Magistrate may pass with respect to it.

(3) If the Magistrate decides that the material seized was stored in the house or building contrary to the provisions of this law or of any rule, bye-law or public notice made or published thereunder, he shall pass an order confiscating the same.

(4) Subject to any general rules for the time being applicable thereto, the material so confiscated may be sold by order of the Magistrate, and the proceeds, after defraying the expenses of such sale, shall be credited to the Municipal Fund.

(5) No order of confiscation under this section shall operate to bar any other criminal or civil proceedings to which the person storing the material in excessive quantity may be liable under any other law for the time being in force:

Provided that such person shall not be punished twice for the same offence.

*Power to make bye-laws.*

137. *Power to make bye-laws.*—(1) The Commission may, by bye-law,—

- (a)<sup>1</sup> render licenses necessary for the proprietors or drivers of vehicles or animals kept or plying for hire or for profit within the station, and fix the fees payable for such licenses and the conditions on which they are to be granted and may be revoked;
- (b)<sup>1</sup> limit the rates which may be demanded for the hire of any carriage, cart or other conveyance, or of any animal hired to carry loads, or for the services of persons hired to carry loads, and the loads to be carried by such conveyances, animals or persons when hired within the station for a period not exceeding twenty-four hours, or for a service which would ordinarily be performed within twenty-four hours;
- (c) provide for the proper registration of births, marriages and deaths, and for the taking of a census;
- (d) fix, and from time to time vary, the number of persons who may occupy a building or part of a building which is let in lodgings or occupied by members of more than one family, and provide—
- (e) for the registration and inspection of such building,

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<sup>1</sup> See Notification No. 710, dated the 8th May, 1907, *infra*, p. 809.

- (ii) for promoting cleanliness and ventilation in such buildings,
  - (iii) for the notices to be given and the precautions to be taken in the case of any disease dangerous to the public health breaking out in such buildings, and
  - (iv) generally for the proper regulation of such buildings;
- (e) provide—
- (i) for the inspection and proper regulation of encamping-grounds, [cart stands],<sup>1</sup> pounds, chattrams, markets, dhobis' ghats, flour-mills and slaughter-houses,
  - (ii) for keeping in proper repair or preventing the disfigurement of any building or wall adjoining a street,
  - (iii) for preventing injury to any public property,
  - (iv) for the holding of fairs and industrial exhibitions within the station or under the control of the Commission, and for fixing fees to be levied thereat,
  - (r) for controlling and regulating the use and management of burial and burning grounds, and
  - (vi) for the supervision and regulation of public wells, tanks, springs or other sources from which water is or may be derived for public use, and of all pipes, reservoirs, stand-pipes or other works connected with a water-supply;
  - <sup>1</sup>(vii) for the control and supervision of all premises used for any of the purposes mentioned in section 103 [or section 103A]<sup>2</sup> and of all trades and manufactures carried on therein.
  - <sup>1</sup>(viii) for regulating the hours and manner of transport of skins, hides, horns, salt fish, and bones, or any other articles, which may be specified by the Commission with the approval of the Resident, from which offensive or unwholesome smells are likely to arise.
  - <sup>2</sup>(ix) for the numbering and registration of all or any motor vehicle, bicycle or tricycle liable to taxation under this Law.
- (f) where the collection of an octroi has been sanctioned, the octroi limits for the purpose of collecting the same, the routes by which articles liable to octroi shall be brought

<sup>1</sup> Added by Notification No. 912-J. B., dated the 13th May, 1910. *Gazette of India*, 1910, Pt. I, p. 381.

<sup>2</sup> Substituted by Notification No. 786—1081-I., dated the 10th May, 1923. *Gazette of India*, 1923, Pt. I, p. 431.

<sup>3</sup> Added by Notification No. 2093-J. B., dated the 26th October, 1910. *Gazette of India*, 1910, Pt. I, p. 1088.



within those limits, and the octroi posts at which the shall be liable to inspection, examination and weighmen under section 63, sub-section (I), clause (a);

- (g) regulate the exhibition of tables of octroi, the system under which refunds are to be made on account thereof when the animals or goods on which the octroi has been paid are again exported, and the custody or storage of animals or goods declared not to be intended for use or consumption within the station;
- (h) require and regulate—
  - (i) the exhibition of tables showing the rates of tolls chargeable on vehicles and animals entering the station;
  - (ii) the appointment by owners of buildings or lands in the station who are not resident in the station, of persons residing within or near the station to act as their agents for all or any of the purposes of this Law or of any rule, bye-law or notice made or issued thereunder;
- (i) regulate the assessment and collection of any tax imposed under this Law and the fees payable in respect of notices of demand or of distraint;
- (j) control and regulate the admission within the station, for the purpose of sale, of the flesh (other than cured or preserved meat) of any cattle, sheep, goat or swine slaughtered at any place not maintained or licensed under this Law;
- (k) provide for and regulate the destruction or segregation of stray dogs and of horses and cattle suffering from anthrax, glanders, rinderpest or any other such disease;
- (l) [prescribe the standard weights and measures to be used within the Municipality and make the use of such standards compulsory: and frame rules to prevent and detect the use of false or defective instruments for weighing weights and measures in any market, building, shop, stall or place used for the sale of any goods, drink or drug]:<sup>1</sup>
- (m) [regulate traffic in the streets: and]<sup>2</sup>
- (n) generally provide for carrying out the objects and purposes of this Law.

{2} By-laws under clause (g) may, among other matters, provide a period of limitation after which no claim for refund of octroi shall be

<sup>1</sup> Added by Notification No. 1711-I. B., dated the 26th August, 1910. *Gazette of India*, 1910, Pt. I, p. 801.

<sup>2</sup> Added and the following clause re-numbered by Notification No. 842-I. B., dated the 27th April, 1911. *Gazette of India*, 1911, Pt. I, p. 306.

entertained, and also that no such refund shall be made when the amount thereof would be less than one rupee.

138. *Penalty for infringement of bye-law.*—(1) In making any bye-law under this chapter, the Commission may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and when the breach is a continuing breach with a further fine which may extend to five rupees for every day after the first during which the breach continues.

(2) In lieu of or in addition to such fine or fines as aforesaid, the Magistrate may require the offender to remedy the mischief in so far as lies within his power.

*Supplemental.*

139. *Confirmation of bye-laws.*—(1) No bye-law under this chapter shall come into force until it has been confirmed by the Resident and published for such time and in such manner as the Resident may prescribe in this behalf.

(2) The Resident may cancel his confirmation of any such bye-law, and thereupon the bye-law shall cease to have effect.

140. *Execution of acts required to be done by any notice.*—(1) When any notice under this chapter requires any act to be done for which no time is fixed by this Law, it shall fix a reasonable time for doing the same.

(2) Whenever it is provided by this Law that any notice may be given to the owner or occupier of any land or building, and the owner and occupier are different persons, such notice shall be given to the one of them primarily liable to comply with such notice, and in case of doubt to both of them:

Provided that in any such case, where there is no owner resident within the station, delivery of such notice to the occupier shall be sufficient.

(3) Whenever the terms of any notice duly given under this Law have not been complied with, the Commission may, after six hours' further notice, cause the act to be done by its officers.

141. *Recovery of costs of execution.*—(1) Where, under this law, the owner or occupier of property is required by the Commission to execute any work and default has been made in complying with the requirement, and the Commission has executed the work, the Commission may recover the cost of the work from the person in default.

(2) As between themselves and the Commission, both owner and occupier shall be deemed to be in default for the purposes of this section, but that one of them shall be deemed to be primarily in default upon whom, as between landlord and tenant, the duty of doing the

required act would properly fall either in pursuance of the contract of tenancy or by law.

(3) When the person primarily in default is the owner, and the Commission has recovered the whole or any part of the cost from the occupier, or the occupier has paid the same upon its demand, the occupier may deduct the sum so recovered or paid from the rent from time to time becoming due from him to the owner, or may otherwise recover it from such owner:

Provided that no occupier shall be required to pay under sub-section (3) any sum greater than the amount for the time being due from him to the owner, either in respect of rent due at the date of such demand as aforesaid or thereafter accruing, unless he has refused on application made to him by the Commission, truly to disclose the amount of his rent and the name and address of the person to whom it is payable; but the burden of proof that the sum so demanded by the Commission from the occupier exceeds the rent due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(4) All money recoverable by the Commission under this section may be recovered in the manner provided in section 186.

(5) Nothing in this section shall affect any contract between an owner and an occupier.

142. *Compensation out of Municipal Fund.*—(1) The Commission may make compensation out of the Municipal Fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the Commission, its officers and servants, under this Law, and shall make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

(2) If any dispute arises touching the amount of any compensation which the Commission is required by this Law to pay for injury to any building or land, it shall be settled in such manner as the parties may agree or, in default of agreement, in the manner provided by the Land Acquisition Act, 1894,<sup>1</sup> as applied to the Station, with reference to the acquisition of and payment of compensation for land for public purposes, so far as it can be made applicable.

143. *Appeals from orders of Commission.*—(1) Any person aggrieved—

(a) by the prohibition by the Commission under section 83 of the erection or re-erection of a building, or

(b) by a notice from the Commission under section 83, sub-section (4), or section 84, sub-section (2), requiring the alteration or demolition of a building, or

<sup>1</sup> See Notification No. 261-I, dated the 24th April, 1929. Printed *supra*, p. 39.

- (c) by any order made by the Commission under the powers conferred upon it by sections 96, 104 or 107,

may appeal within thirty days from the date of such prohibition, notice or order to the officer holding the appointment of District Judge, and no such prohibition, notice or order shall be liable to be called in question otherwise than by such appeal:

Provided that, if the said officer is himself a Commissioner, the appeal shall lie to the First<sup>1</sup> Assistant to the Resident or such other officer, not being a Commissioner, as may be empowered by the Resident in this behalf.

- (2) The appellate authority may, if it thinks fit, extend the period allowed by sub-section (1) for appeal.

- (3) The Resident may call for a report of the proceedings in any case in which it appears to him that there has been an illegality or material irregularity in the issue of any such prohibition, notice or order as aforesaid and may pass such orders thereon as he thinks fit.

#### CHAPTER VI.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY OR CONVENIENCE.

144. *Depositing or throwing earth or materials or refuse, rubbish or offensive matter on roads or into drains.*—Whoever, without the permission of the Commission or in disregard of its orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit, earth or materials of any description, or refuse, rubbish or offensive matter of any kind, upon any street or public place, or into any public sewer or drain or any drain communicating therewith, shall be punishable with fine which may extend to twenty rupees.

145. *Discharging sewage.*—Whoever, without the permission of the Commission, causes or knowingly or negligently allows the water of any sink or sewer or any other offensive matter, to flow, drain or be put upon any street or public place, or into any public sewer or drain not set apart for the purpose, shall be punishable with fine which may extend to twenty rupees.

146. *Failure to remove offensive matter.*—Whoever, being the owner or occupier of any building or land, keeps or knowingly or negligently allows to be kept,—

- (a) for more than twenty-four hours, or  
 (b) otherwise than in some proper receptacle, any dirt, dung, bones, ashes, nightsoil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle to be in a filthy or noxious state, or neglects

<sup>1</sup> Now designated "Secretary to the Resident".

to employ proper means to cleanse and purify the same, shall be punishable with fine which may extend to fifty rupees.

147. *Making or altering drains without authority.*—Whoever, without the permission of the Commission, makes or causes to be made, or alters or causes to be altered, any drain leading into any public sewer or drain shall be punishable with fine which may extend to fifty rupees.

148. *Penalty for making or keeping latrines, etc., near any source of water-supply.*—Whoever, without the permission of the Commission, makes or keeps for a longer time than one week after notice under section 100 any drain, latrine, urinal or receptacle for filth or refuse within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, shall be punishable with fine which may extend to twenty rupees, and after service of notice, with a further fine not exceeding five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

149. *Keeping animals so as to be injurious to health.*—Whoever keeps any swine in disregard of any orders which the Commission may give to prevent them from becoming a nuisance, or keeps any other animal, so as to be injurious to the health of the inhabitants or of animals generally, or so as to become a nuisance, shall be punishable with fine which may extend to twenty rupees and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

150. *Feeding animals on deleterious substances.*—Whoever feeds or allows to be fed any animal which is kept for dairy purposes or may be used for food, on deleterious substances, filth or refuse of any kind, shall be punishable with fine which may extend to fifty rupees.

151. *Driving vehicles without lamps after dark.*—<sup>1</sup>\* \* \*

152. *Discharging fire-arms, etc.*—Whoever discharges fire-arms or lets off fire-works or fire-balloons, or engages in any game in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property, shall be punishable with fine which may extend to twenty rupees.

153. *Control of elephants or camels.*—Whoever, being in charge of any elephant, camel or bear, omits, on being requested to do so, to remove as far as may be practicable his elephant, camel or bear to a safe distance on the approach of a horse, whether ridden or driven, shall be punishable with fine which may extend to twenty rupees.

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<sup>1</sup> Deleted by Notification No. 1109-I. B., dated the 7th July, 1914. *Gazette of India*, 1914, Pt. I, p. 1226.

154. *Taking elephants along public roads.*—Whoever, contrary to any orders of the Commission, takes an elephant along a street, shall be punishable with fine which may extend to twenty rupees.

155. *Suffering dogs to be at large.*—Whoever, being the owner or person in charge of any dog which is likely to annoy or intimidate persons passing by, neglects to restrain it so that it shall not be at large without a muzzle in any street, shall be punishable with fine which may extend to twenty rupees.

156. *Altering, obstructing or encroaching upon streets.*—Whoever, without the permission of the Commission, alters, obstructs or encroaches upon any street, or any public sewer, drain or water-course, or dis-places, takes up or alters the pavement or other materials or the fences or posts of any street, or deposits building-materials or makes any hole or excavation on or in any street, or removes material from beneath any street so as to occasion risk or surface subsidence, shall be punishable with fine which may extend to fifty rupees.

157. *Quarrying, blasting, cutting timber or building.*—Whoever quarries, blasts, cuts timber, carries on buildings operations in such a manner as to cause, or to be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood shall be punishable with fine which may extend to fifty rupees.

158. *Picketing animals and collecting carts.*—Whoever, contrary to the orders of the Commission, pickets animals or collects carts on any public ground, or uses any such grounds as a halting place for vehicles or animals of any description or as a place of encampment, or causes or permits animals to stray, shall be punishable with fine which may extend to twenty rupees.

159. *Carrying corpses by prohibited routes or so as to cause annoyance.*—[Whoever carries a corpse along a route prohibited by the Commission, or deposits a corpse in any place prohibited by the Commission, or in any place or manner likely to cause annoyance to the public, shall be punishable with fine which may extend to ten rupees].<sup>1</sup>

160. *Destroying direction-posts, lamp-posts, etc.*—Whoever, without being authorized by the Commission, defaces or disturbs any direction-post or lamp-post, or extinguishes any light provided and maintained in any public place by the Commission, shall be punishable with fine which may extend to ten rupees.

161. *Penalty for disobedience of orders of Commission under last chapter.*—Whoever disobeys any lawful direction given by the Commission by public notice under the powers conferred upon it by the last foregoing chapter, or any written notice lawfully issued by it under the

<sup>1</sup> Substituted by Notification No. 912-I. B., dated the 13th May, 1910. *Gazette of India*, 1910, Pt. I, p. 381.

powers so conferred, or fails to comply with the conditions subject to which any permission was given by the Commission to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees, and, in the case of a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues:

Provided that, when the notice fixes a time within which a certain act is to be done and no time is specified in this law, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Law.

162. *Penalty for obstructing or molesting the Commission or persons employed by it.*—Whoever obstructs or molests the Commission or any person employed by it, or any person with whom it has entered into a contract under this Law, in the performance of their or his duty, or who obstructs any person from doing anything which he is empowered or required to do by virtue of this Law, or removes any mark set up for the purpose of indicating any level or direction incidental to the execution of any work authorized by this Law, shall be punishable with fine which may extend to two hundred rupees.

163. *Prosecution to be suspended in certain cases.*—When any order of the kinds specified in section 104, section 107 and section 161 is subject to appeal, and an appeal has been instituted against it, all proceedings to enforce such order and all prosecutions for any breach thereof shall be suspended pending the decision of the appeal, and, if such order is set aside on appeal, disobedience thereto shall not be deemed to be an offence.

164. *Disposal of certain imports seized under any bye-law made under section 137.*—If the flesh of any cattle, sheep, goat or swine is brought within the Station in contravention of any bye-law under section 137, it may be seized by any officer of the Commission authorized in that behalf and may be destroyed or otherwise disposed of as the Commission may direct.

#### CHAPTER VII.—PREVENTION AND EXTINCTION OF FIRE.

165. *Establishment and maintenance of fire-brigade.*—For the prevention and extinction of fire the Commission may establish and maintain a fire-brigade and may provide any implements, machinery or means of communicating intelligence which the Commission may think necessary for the efficient discharge of their duties by the brigade.

166. *Power of fire-brigade and other persons for suppression of fire.*—(1) On the occasion of a fire in the Station any Magistrate, the Field Officer of the week of the Bangalore Garrison, the District

Superintendent of Police, the Secretary of the Commission, any Commissioner, any member of the fire-brigade maintained by the Commission then and there directing the operations of men belonging to the brigade and (if directed so to do by a Magistrate or by the District Superintendent of Police) any Police officer above the rank of constable, may—

- (a) remove or order the removal of any person who by his presence interferes with or impedes the operations for extinguishing the fire or for saving life or property;
- (b) close any street or passage in or near which any fire is burning;
- (c) for the purpose of extinguishing the fire, break into or through or pull down, or cause to be broken into or through or pulled down, or used for the passage of hose or other appliances, any premises;
- (d) cause mains and pipes to be shut off so as to give greater pressure of water in or near the place where the fire has occurred;
- (e) call on the persons in charge of any fire-engine to render such assistance as may be possible; and,
- (f) generally, take such measures as may appear necessary for the preservation of life or property.

(2) No person shall be liable to pay damages for any act done by him under sub-section (1) in good faith.

(3) Any damage done in the exercise of a power conferred, or a duty imposed, by this section shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

167. *Exercise of powers under section 166 to be subject to rules.*—The powers conferred by the last foregoing section shall be subject to any regulations, conditions or restrictions which may be imposed by rule.

#### CHAPTER VIII.—CONTROL.

168. *Power of Resident to call for statistics.*—The Resident may at all times call for such reports and statistics connected with the working, income and expenditure of the Commission as he may think fit; and the Commission shall forthwith comply with such requisition.

169. *Power to suspend action of Commission.*—The Resident may, by order in writing, suspend the execution of any resolution or order of the Commission, or prohibit the doing of any act which is about to be done, or is being done in pursuance of or under cover of this Law, if, in his opinion, the resolution, order or act is in excess of the powers conferred by Law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a breach of the peace or to cause injury or annoyance to the public or to any class or body of persons.



170. *Extraordinary powers of Resident in case of emergency.*—(1) In cases of emergency the Resident may provide for the execution of any work, or the doing of any act which the Commission is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or of doing the act shall be forthwith paid by the Commission.

(2) If the expense is not so paid, the Resident may make an order directing the person having the custody of the balance of the Municipal Fund to pay the expense, or so much thereof as may from time to time be possible, from that balance in priority to all other charges against the same.

171. *Resident may take special measures on outbreak of any dangerous disease.*—(1) In the event of the Station being at any time visited or threatened with an outbreak of any disease dangerous to the public health, or in the event of anthrax, glanders, rinderpest or any other such disease affecting horses or cattle breaking out in, or being likely to be introduced into, the Station, the Resident, if he thinks the ordinary provisions of this Law or of any other Law at the time in force are insufficient for the purpose, may—

- (a) order the Commission to take such special measures and,
- (b) by public notice, prescribe such temporary regulations to be observed by the public or by any person or class of persons, as he may think necessary to prevent the outbreak of such disease or the spread thereof.

(2) The Resident shall forthwith report to the Governor General in Council any orders and any regulations issued or prescribed by him under sub-section (1).

172. *Power to provide for performance of duties in cases of default of Commission.*—(1) When the Resident, after due inquiry, is satisfied that the Commission has made default in performing any duty imposed upon it under this Law, he may, by an order in writing, fix a period for the performance of that duty; and, if it is not performed within the period so fixed, he may appoint some person to perform it and may direct that the expense thereof shall be paid within such time as he may fix by the Commission.

(2) If the expense is not so paid, the Resident may make an order directing the person having the custody of the balance of the Municipal Fund to pay the expense, or so much thereof as may from time to time be possible from that balance in priority to all other charges against the same.

173. *Powers of Resident over Commission.*—(1) The Resident shall be bound to require that the proceedings of the Commission shall be

in conformity with Law and with the rules in force under any enactment for the time being applicable to the Station generally or to the areas over which the Commission has authority.

(2) The Resident may exercise all powers necessary for the performance of this duty, and may, among other things, by order in writing, annul or modify any proceeding which he considers not to be in conformity with Law or with such rules as aforesaid.

174. *Power of Resident to supersede Commission in case of incompetency, persistent default or abuse of powers.*—(1) If the Commission is incompetent to perform, or persistently makes default in the performance of the duties imposed on it by or under this or any other enactment, or exceeds or abuses its powers, the Resident may, with the previous sanction of the Governor General in Council, by a notification in which the reasons for so doing shall be stated, declare the Commission to be superseded:

Provided that, in case of public emergency, such a notification as aforesaid may be issued without the previous sanction of the Governor General in Council, but shall be forthwith reported to the Governor General in Council and shall be subject to his orders.

(2) When the Commission is superseded under sub-section (1), the following consequences shall ensue:—

- (a) all Commissioners shall, from the date of the notification, vacate their seats:
- (b) all powers and duties of the Commission may, until the Commission is reconstituted, be exercised and performed by such person or persons as the Resident may appoint in that behalf:
- (c) all property vested in the Commission shall, until the Commission is reconstituted, vest in Her Majesty.

(3) The Resident may, if he thinks fit, at any time constitute another Commission in the place of the Commission superseded under this section.

175. *Power of Resident to frame forms and make rules.*—(1) The Resident may frame forms for any proceeding of the Commission for which the Resident considers that a form should be provided, and may make rules,<sup>1</sup> consistent with this Law,—

- (a) with respect to the powers and duties of the Commission;
- (b) as to the division of the station into wards, or of the inhabitants into classes, or both;

<sup>1</sup> See Notification No. 37, dated the 16th April, 1928, *infra*, p. 796. See also pp. 819 and 820.

- (c) as to the number of representatives proper for each ward or class;
- (d) as to the qualifications of electors and of candidates for election;
- (e) as to the registration of electors;
- (f) as to the nomination of candidates, the time of election and the mode of recording votes;
- (g) generally for regulating all elections under this Law;
- (h) fixing the term of office of Commissioners;
- (i) as to the constitution, powers and duties of the Health Committee;
- (j) prescribing the qualifications requisite in the case of persons appointed by the Commission to offices requiring professional skill;
- (k) as to the priority to be given to the several duties of the Commission;
- (l) as to the procedure to be observed for the punishment or dismissal of servants of the Commission;
- (m) as to the conditions on which land vested in the Commission may be transferred by sale, mortgage, lease, exchange or otherwise;
- (n) as to the preparation of plans and estimates for works to be constructed at the expense of the Commission and as to the person by whom, and the conditions subject to which, such plans and estimates are to be sanctioned;
- (o) as to the accounts to be kept by the Commission, the conditions on which such accounts are to be open to inspection by inhabitants paying any tax under this Law, the manner in which such accounts are to be audited and published, and the power of the auditors in respect of disallowance and surcharge;
- (p) as to the preparation of estimates of the income and expenditure of the Commission and the person by whom, and the conditions subject to which, such estimates are to be sanctioned;
- (q) as to the returns, statements and reports to be submitted by the Commission;
- (r) as to the publication of notices; and
- (s) generally for the guidance of the Commission and public officers in carrying out the objects and purposes of this Law and for all other matters necessary or incidental to the due administration of this Law.

(2) Rules under clause (g) of sub-section (1) may, among other matters, provide—

- (i) for the investigation of allegations of corrupt practices or intimidation at elections;
- (ii) for making void the election of any person proved to the satisfaction of the Resident to have been guilty of corruption or intimidation or to have connived at or abetted the exercise of corruption or intimidation on his behalf by any other person;
- (iii) for rendering incapable of municipal office either permanently or for a term of years any person whose election may have been made void as aforesaid for corruption or for connivance at or abetment of the same; and
- (iv) for the definition of the practices at municipal elections which are to be deemed to be corrupt or to amount to intimidation.

#### CHAPTER IX.—SUPPLEMENTAL.

##### *Prosecutions.*

176. *Authority for prosecutions.*—No Court shall take cognizance of any offence punishable under this Law or any rule or bye-law thereunder except on the complaint of the Commission or of some person authorized by the Commission in this behalf.

*Explanation.*—The Commission may authorize persons to prosecute either generally in regard to all offences against this Law and the rules or bye-laws thereunder or particularly in regard only to specified offences or offences of a specified class. The person authorized may be authorized by office, if he is the President or a Vice-President, but in other cases the authority must be personal. The authority must in all cases be in writing and may at any time be cancelled by the Commission.

177. *Power to compound offences.*—(1) The Resident may empower<sup>1</sup> the Commission, or the President, a Vice-President or the Secretary or any other officer of the Commission or any Committee appointed under section 23 or section 24 or the Chairman thereof, to accept from any person against whom a reasonable suspicion exists that he has committed an offence against this Law or any rule or bye-law thereunder, a sum of money by way of composition for such offence.

(2) On payment of such sum of money, the suspected person, if in custody, shall be discharged, and no further proceedings shall be taken against him in regard to the offence or alleged offence so compounded.

<sup>1</sup> See Notification No. 1755, dated the 1st April, 1901. Printed *infra*, p. 518.

(3) Sums paid by way of composition under this section shall be credited to the Municipal Fund.

(4) Power under sub-section (1) may be given either generally in regard to all offences under this Law and the rules and bye-laws thereunder, or particularly in regard only to specified offences or offences of a specified class, and may at any time be withdrawn by the Resident.

(5) The Resident may make rules<sup>1</sup> to regulate the proceedings of persons empowered under sub-section (1).

178. *How fines are to be applied.*—The Magistrate or Judge by whom any fine is imposed under this Law or any rule or bye-law thereunder, may award any portion, not being more than one-half thereof, to the informer, and the remainder, or, if he makes no award to the informer, the whole, of such fine shall be paid to the Commission, to be by them applied to the purposes of this Law.

179. *Commissioner not to be deemed interested in prosecution.*—No Judge or Magistrate shall be deemed to be a party to, or personally interested in, any prosecution for an offence punishable under this Law or any rule or bye-law thereunder, or under any other Law for the time being in force, within the meaning of section 555 of the Code of Criminal Procedure, 1882,<sup>2</sup> as applied to the Station, by reason only that he is a Commissioner by the order, or under the authority, of whom it has been instituted.

#### *Rules and bye-laws.*

180. *Procedure for making rules and bye-laws.*—(1) The authority empowered to make any rules or bye-laws under this Law, other than bye-laws under section 25 or section 32, shall, before making such rules or bye-laws, publish, in such manner as may, in its opinion, be sufficient for giving information to persons interested, a draft of the proposed rules or bye-laws with a notice specifying a date on or after which the draft will be taken into consideration; and such authority, as also, in the case of bye-laws, the Resident whose confirmation is required, shall, before such rules or bye-laws are made, consider any objection or suggestion which may be received from any person with respect to the draft before the date so specified.

(2) If, on such consideration, any modification is made in the draft, the Resident shall determine whether or not the draft shall be republished under this section.

(3) Every such rule or bye-law shall be notified in English and in such other language or languages as the Resident may direct; and such notification shall be conclusive proof that such rule or bye-law has been made as is required by this section.

<sup>1</sup> See Notification No. 1756, dated the 1st April, 1901. Printed *infra*, p. 819.

<sup>2</sup> See now the Code of Criminal Procedure, 1898 (Act V of 1898), as applied by Notification No. 261-J., dated the 24th April, 1929. Printed *supra*, p. 39.

181. *Rules to be available for purchase and inspection.*—(1) A copy, of all rules and bye-laws made under this Law shall be kept at the Commission's office, and shall be open during office hours without charge to the inspection of any inhabitant.

(2) Copies of all such rules and bye-laws shall be kept at the Commission's office for sale to the public at a price not exceeding one rupee.

*Notices.*

182. *Authentication, service and validity of notices.*—(1) Every notice issued by the Commission under this Law or under any rule or bye-law thereunder shall be in writing signed by the President, Vice-President or Secretary or by the members of any Committee specially authorized by the Commission in that behalf, and may be served on the person to whom it is addressed or delivered or left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served, delivered or left, may be affixed to some conspicuous part of his place of abode or business.

(2) When the place of abode or business of the person to whom such notice is addressed is not within the station, the notice may be served by posting it in a registered cover addressed to his usual place of abode.

(3) If the owner of any property has no place of abode or business within the station, every such notice addressed to him as such owner may be served on the occupier.

(4) When the place of abode or business of the occupier of any property is not known, every such notice addressed to him as such occupier may be served by affixing it to some conspicuous part of the property.

(5) No notice issued by the Commission under this Law or under any rule or bye-law thereunder shall be invalid for defect of form.

183. *Mode of giving notice to owner or occupier of property.*—When any notice is under this Law to be given to, or served on, the owner or occupier of any property and such owner or occupier is unknown, it may be given or served—

- (a) by delivering a written notice to some person on the property, or, should there be no person on the property to whom it can be delivered, by affixing it to some conspicuous part of the property; or,
- (b) by putting into the post a pre-paid letter containing a written notice, and addressed by the description of the "owner" or "occupier" of the property (naming it) in respect of which the notice is given, without further name or description.

184. *Publication of public notice.*—Every public notice issued by the Commission under this Law or under any rule or bye-law thereunder

shall be published by proclamation or in such other manner as the Resident may, by rule, direct.

*Exemption of local areas.*

185. *Effects of exemption of local areas from provisions of this Law.*—When any local area has under section 6 been exempted from the operation of any of the provisions of this Law or of any rules or bye-laws thereunder, the Governor General in Council shall, after consulting the Commission, frame a scheme determining in what manner the liabilities arising, or the advantages derived, therefrom shall be apportioned between the Commission and the Secretary of State for India in Council.

*Collection of sums due to the Commission.*

186. *Recovery of sums due to the Commission.*—<sup>1</sup>[(1) <sup>2</sup>[When any sum is due to the Commission from any person, either under this Law or on account of rent or other charge for a building or structure leased by the Commission to such person or otherwise in the occupation of such person under the Commission] the Commission may recover such sum in the following manner, namely:—

- (a) by causing a bill for the sum stating the nature of the demand, to be served on the person liable to pay the same, in the manner provided in section 182;
- (b) if the sum is not paid within seven days from the service of such bill, by causing a notice of demand to be served on such person;
- (c) if such person does not within seven days from the service of such notice pay the sum due, with any fee leviable for the notice, or show sufficient cause for non-payment, by distraining and selling the moveable property of such person in the manner provided in the Code of Civil Procedure for the time being in force in the station:
- (d) by suing such persons in the Civil Court.

(2) Taxes levied on buildings and lands shall, subject to the prior payment of any claim on behalf of Government, be a first charge upon the said buildings or lands and upon the moveable property, if any, found within or upon such building or land and belonging to the person liable for such tax;

(3) In the event of the non-payment of any tax imposed under section 41, section 42 or section 43, within seven days from the date of the service of a notice of demand in terms of clause (b) of sub-section

<sup>1</sup> Substituted by Notification No. 921-I. B., dated the 13th May, 1910. *Gazette of India*, 1910, Pt. I, p. 381.

<sup>2</sup> Substituted by Notification No. 373 I., dated the 22nd July, 1924. *Gazette of India*, 1924, Pt. I, p. 697.

(1), the person failing to pay such tax, shall, on conviction before a Magistrate, be liable to a fine not exceeding twice the amount of the tax found to be due:

Provided that recovery by prosecution shall not be applicable to sums due on account of water consumed in excess of the sanctioned free allowanec.

(4) If the sum due from the owner of any house, building or land in respect of any rate or tax remains unpaid, after notice of demand has been duly served, the President may demand the amount from the occupier for the time being of such house, building or land, and on non-payment thereof, may recover the same by distress and sale of any moveable property found on the premises and in such case the occupier may deduct from the next and following payments of his rent the amount which may be so paid or recovered from him:

Provided that no arrear of rate, or tax which has remained due from the owner of any house, building or land for more than one year shall be so recovered from the occupier thereof.]

<sup>1</sup>[(5) When any sum is due to the Commission on account of rent or other charge for such building or structure as is referred to in subsection (1), the Commission may summarily evict from such building or structure the person from whom such sum is due and any other person in occupation of such building or structure along with or as the representative of the first-named person.]

#### *Miscellaneous.*

187. *Precautions to be observed in entering dwellings.*—When any building used as a human dwelling is entered under this Law, due regard shall be paid to the social and religious sentiments of the occupiers; and before any apartment in the actual occupancy of any woman who, according to custom, does not appear in public, is entered under this Law, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

188. *Obligation of municipal servants to discharge their duties.*—(1) In the absence of a written contract to the contrary, every sweeper or scavenger employed by the Commission shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

(2) Whoever, being a sweeper or scavenger employed by the Commission, in the absence of a written contract authorizing him so to do and without reasonable cause, resigns his employment or absents

<sup>1</sup> Inserted by Notification No. 373-I., dated the 22nd July. 1924. *Gazette of India*, 1924, Pt. I, p. 697.



himself from his duties without giving one month's notice to the Commission, or neglects or refuses to perform his duties or any of them, he shall be liable to imprisonment which may extend to two months.

(3) The Resident may, by notification, direct that, on and from a date, to be specified in the notification, the provisions of sub-sections (1) and (2) with respect to sweepers and scavengers shall apply also to any specified class of servants employed by the Commission whose functions intimately concern the public health or safety.

189. *Brothels.*—On the complaint of five or more inhabitants of the Station that a house in their immediate neighbourhood and within the limits of the Station is used as a brothel or by disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, any Magistrate of the first class having, as such, jurisdiction in the place where the house is situated may summon the owner or tenant of the house to answer the complaint; and, on being satisfied that the house is so used, and is a source of annoyance and offence to the neighbours, may order the owner or tenant to discontinue such use of it; and if he shall fail to comply with such order within five days, may impose upon him a fine not exceeding twenty-five rupees for every day thereafter on which the house is so used.

190. *Relief to agents and trustees.*—(1) When any person, by reason of his receiving the rent of immoveable property as agent or trustee, or of his being as agent or trustee the person who would receive the rent if the property were let to a tenant, would, under this Law, be bound to discharge any obligation imposed by this Law on the owner of the property and for the discharge of which money is required, he shall be bound to discharge the obligation only to the extent of such funds as he has, or but for his own improper act or default might have had, in his hands belonging to the owner.

(2) The burden of proving the facts entitling an agent or trustee to relief under this section shall lie on him.

(3) When any agent or trustee has claimed and established his right to relief under this section, the Commission may give him notice to apply to the discharge of such obligation as aforesaid, the first moneys which shall come to his hands on behalf or for the use of the owner, and, if he fails to comply with such notice, he shall be deemed to be personally liable to discharge such obligation.

191. *Decision of question as to whether persons are inhabitants.*—If any question arises as to whether any person or specified class of persons is or are an inhabitant or inhabitants within the meaning of this Law, of a local area in the station, the decision thereon of the Commission shall be conclusive.

192. *Police-officers to report offences to Commission and assist generally.*—It shall be the duty of every Police-officer to give information to the Commission of any offence committed against this Law or the rules or bye-laws thereunder, and to assist all Commissioners and officers or servants of the Commission in the exercise of their lawful authority.

[193. The President may summon any person to attend before him and to give evidence or produce documents, as the case may be, in respect of any question relating to taxation or inspection or to the grant of any license under the provisions of this Law.

Any person failing to obey the summons shall be liable, on conviction before a Magistrate, to a fine not exceeding fifty rupees.]<sup>1</sup>

[*Gazette of India*, 1897, Pt. I, p. 483.]

*Rules for the disposal of useless records.*

No. 1441-I. A., dated the 26th March, 1900.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879),<sup>2</sup> and of all other powers enabling him in this behalf, the Governor General in Council is pleased to prescribe the following rules for the destruction or other disposal of useless records, books and papers in the Courts and Revenue Offices of the Civil and Military Station of Bangalore:—

1. With the previous sanction of the Governor General in Council, the Resident in Mysore may, from time to time, make rules respecting the disposal, by destruction or otherwise, of such records, books and papers belonging to or being in the custody of the Courts of Civil<sup>3</sup> and Criminal<sup>4</sup> Jurisdiction and the Revenue Offices, as the Resident may consider useless or unworthy of being permanently preserved:

Provided that nothing herein contained shall be deemed to authorize the destruction of any document which, under the provisions of any Law for the time being in force, is to be kept and maintained.

All such rules shall be published in the *Gazette of India*, and shall thereupon have the force of Law.

2. All rules for the destruction or other disposal of useless records, books and papers belonging to or in the custody of any Court or Revenue Office, now in force, shall continue

<sup>1</sup> Added by Notification No. 912-I. B., dated the 13th May, 1910. *Gazette of India*, 1910, Pt. I, p. 381.

<sup>2</sup> See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix I.

<sup>3</sup> See Notification No. 24, dated the 30th September, 1925. Printed *infra*, p. 820.

<sup>4</sup> See Notification No. 43, dated the 25th July, 1907. Printed *infra*, p. 830.

to have the force of Law until they are rescinded by rules made under the preceding rule; and no suit or other proceeding shall be instituted, maintained or continued against any person for the disposal, by destruction or otherwise, of any records, books or papers in accordance with any such rules.

[*Gazette of India*, 1900, Pt. I, p. 207.]

#### *Legal Practitioners Rules.*

*No. 2113-I. A., dated the 14th May, 1900.*—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), and of all other powers enabling him in this behalf and in supersession of the notification of the Government of India in the Foreign Department, No. 37-I. J., dated the 1st March, 1880, and of the notification of the Resident in Mysore, No. 323, dated the 23rd January, 1897, the Governor General in Council is pleased to make the following rules to regulate legal practitioners in the Court of the Resident in Mysore and in Courts subordinate to that Court in the Civil and Military Station of Bangalore:—

1. In these rules,—

“Resident” means the Resident in Mysore:

“Judge” means the presiding judicial officer in every Civil and Criminal Court, by whatever title he is designated:

“Subordinate Court” means all Courts subordinate to the Court of the Resident in Mysore, including Courts of Small Causes:

“Legal Practitioner” means an Advocate or Pleader enrolled in the Court of the Resident in Mysore under these rules:

“Tout” means a person who procures the employment in any legal business of any legal practitioner in consideration of any remuneration moving from such practitioner, or proposes to a legal practitioner to procure his employment in any legal business in consideration of such remuneration.

2. Except as provided in the Code of Civil Procedure or the Code of Criminal Procedure, or in any other law for the time being in force, no person shall appear, plead or act for any other person in the Court of the Resident or in any subordinate Court, unless he is an Advocate or Pleader authorised so to do under these rules.

3. Advocates and Pleaders (except Pleaders of the second grade) enrolled in accordance with the rules heretofore in force shall be deemed to be Advocates and Pleaders respectively enrolled under these rules.

<sup>1</sup> See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix I.

4. Advocates shall be entitled to appear, plead and act in the Court of the Resident and in subordinate Courts.

5. Pleaders shall be entitled to appear, plead and act only in subordinate Courts.

6. Notwithstanding anything herein contained, Pleaders of the second grade, enrolled in accordance with the rules in force before the 23rd January, 1897, may continue to practise in the Courts in which they are entitled to practise under those rules; but for the purposes of the following rules 16 to 35 they shall be deemed to be Pleaders enrolled under these rules.

7. The following persons are qualified for admission as Advocates:—

- (1) Any person who has been enrolled as, and is, an Advocate of the Chief Court of Mysore under the Mysore Legal Practitioners' Regulation III of 1884.
- (2) Any Barrister of any of the Inns of Court in England or Ireland, or any Member of the Faculty of Advocates in Scotland.
- (3) An Advocate, Vakil or Attorney of any of the High Courts of Judicature in British India.
- (4) Any person who has obtained the degree of Master of Laws or Bachelor of Laws in any British or Indian University, and who produces a certificate of respectability and good moral conduct.

8. The following persons are qualified for admission as Pleaders:—

- (1) Any person who has been enrolled as, and is, a Pleader of the first grade in the Mysore State, under the Mysore Legal Practitioners' Regulation III of 1884.
- (2) Any person who has passed the examination prescribed by the High Court of Madras for Pleaders of the first grade, and who produces a certificate of respectability and good moral conduct.

9. Every person duly qualified under rule 7 or 8 may apply to the Court of the Resident to be admitted as an Advocate or as a Pleader, as the case may be. The application shall be accompanied by certificates proving the qualifications of the applicant under these rules:

Provided that where the application is for admission as an Advocate, the applicant shall have given at least one month's previous notice in three successive issues of one of the local English newspapers, or in such other mode as may from time to time be prescribed by the Resident.

10. The Resident may, in his discretion, grant or refuse any application submitted under the last preceding rule: his order thereon shall be final, and he shall not be bound to specify his reasons for any refusal.

11. If an application to be admitted as an Advocate is granted, the applicant shall be required to supply a general stamped paper of the value of one hundred rupees, purchased from the Resident's treasury or from a vendor licensed by the Collector of the Civil and Military Station of Bangalore. The Resident shall then give the applicant a certificate of admission in the Form I set forth in the schedule annexed to these rules under his signature and the seal of his Court, and shall enter the applicant's name in his Court's register of Advocates.

12. If an application to be admitted as a Pleader is granted, the Resident shall give the applicant a certificate in the Form II set forth in the schedule annexed to these rules, under his signature and the seal of his Court, and shall enter the applicant's name in his Court's register of Pleaders.

13. Every original certificate granted to a Pleader under the preceding rule shall be valid till the thirty-first day of December following the date of its issue, but the holder shall, on application and delivery of his certificate to the Resident for cancellation, receive a renewed certificate.

14. Every renewed certificate shall be valid till the thirty-first day of December following the date of its issue, but the holder shall, on application and delivery of his expired certificate to the Resident for cancellation, receive from year to year a renewed certificate.

15. Every certificate issued to a Pleader, whether original or renewed, shall be written upon general stamped paper of the value of fifteen rupees purchased from the Resident's treasury or from a vendor licensed by the Collector of the Civil and Military Station of Bangalore and to be provided by the applicant:

Provided that a certificate issued on or after the first day of July in any year may be written upon stamped paper of half that value.

16. The Resident may suspend from practice, or dismiss, or cancel the certificate of, any legal practitioner enrolled under the foregoing rules:—

- (1) who is convicted of any criminal offence implying a defect of character which unfits him to be a legal practitioner, or
- (2) who takes instructions in any case except from the party on whose behalf he is retained or some person who is the recognised agent of such party within the meaning of the Code of Civil Procedure, or some servant, relative or friend authorised by the party to give such instructions, or
- (3) who is guilty of fraudulent or grossly improper conduct in the discharge of his professional duty, or
- (4) who tenders, gives or consents to the retention of, out of any fee paid or payable to him for his services, any gratifi-

cation for procuring, or having procured, the employment in any legal business of himself or any other legal practitioner, or

- (5) who, directly or indirectly, procures, or attempts to procure, the employment of himself as such legal practitioner through, or by the intervention of, any person to whom any remuneration for obtaining such employment has been given by him, or agreed or promised to be so given, or
- (6) who accepts any employment in any legal business through a person who has been proclaimed as a tout under rule 35 of these rules, or
- (7) for any other reasonable cause.

17. If any legal practitioner practising in any subordinate Court is charged in such Court with, or appears guilty of, any such misconduct as is mentioned in the last preceding rule, the Judge of the Court shall report the fact to the Resident's Court. When an alleged misconduct is so reported to the Resident or otherwise comes to his notice, whether the misconduct is with reference to proceedings before his own Court or a subordinate Court, the Resident may order the Public Prosecutor, or an Advocate specially authorised by the Resident in this behalf, to draw up a formal charge, setting forth concisely and exactly the alleged misconduct and may either himself inquire into such charge, or direct the Judge of a subordinate Court to do so. The Public Prosecutor or the Advocate so authorised shall prosecute the charge on behalf of Government. A copy of the charge shall be sent to the said legal practitioner, together with a notice that on a day to be therein appointed, such charge will be taken into consideration. Such copy and notice shall be served upon the legal practitioner at least ten days before the day so appointed. On such day, or any subsequent day to which the enquiry may be adjourned, the Court shall receive and record all evidence properly adduced in support of the charge or by the legal practitioner, and shall proceed to adjudicate upon the charge.

18. If the Judge is the Judge of a subordinate Court and finds the charge established, and considers that the legal practitioner should be suspended or dismissed, or that his certificate should be cancelled in consequence, he shall record his finding and the grounds thereof, and shall report the same to the Resident's Court, and that Court shall proceed to acquit, suspend, dismiss, or cancel the certificate of, the legal practitioner.

19. Such report, when made by the Judge of any Court subordinate to the District Court, or by any Magistrate subordinate to the District Magistrate, shall be submitted through the District Judge or through the District Magistrate, as the case may be, who shall append to the

report any remarks that he may think necessary, and an expression of his own opinion of the case.

20. The District Judge or the District Magistrate may, pending the investigation and orders of the Resident's Court, suspend any Pleader charged before him or before any Court or Magistrate subordinate to him.

21. The Resident's Court, in any case in which a legal practitioner has been acquitted otherwise than by an order of its own, may call for the record and pass such order thereon as it may deem fit.

22. The Resident's Court may also direct that any charge preferred against a legal practitioner in any subordinate Court shall be transferred for adjudication to itself, or to any other Court of equal or superior grade to that in which the charge is preferred.

23. The suspension of any legal practitioner shall be noted in the register of Advocates or Pleaders in the Resident's Court, and notice thereof shall be sent to all subordinate Courts.

24. The name of every legal practitioner who has been dismissed or whose certificate has been cancelled under the foregoing provisions shall be struck off the register of Advocates or Pleaders in the Resident's Court, and notice thereof shall be sent to all subordinate Courts.

25. Every legal practitioner, whose certificate has been cancelled under these rules, shall forthwith deliver up his certificate to the Resident.

26. The Resident shall, from time to time, fix and regulate the fees payable by any party in respect of the fees of his adversary's Advocate or Pleader upon all proceedings in the Court of the Resident and in the subordinate Courts. Tables of the fees so fixed shall be published in the *Gazette of India*.<sup>1</sup>

Provided that the rules at present in force in respect of such fees shall be deemed to have been made under this rule, until they are superseded by new rules.

27. No agreement entered into by any legal practitioner with any person retaining or employing him, respecting the amount and manner of payment for the whole or any part of any past or future services, fees, charges or disbursements in respect of business done, or to be done, by such legal practitioner, shall be valid, unless it is made in writing signed by such person, and is, within fifteen days from the day on which it is executed, filed in the District Court, or in some Court in which some portion of the business in respect of which it has been executed, has been, or is to be, done.

28. Where a suit is brought to enforce any such agreement, if the agreement is not proved to be fair and reasonable, the Court may reduce

<sup>1</sup> See Notification No. 12, dated the 6th February, 1901. Printed *infra*, p. 834.

the amount payable thereunder, or order it to be cancelled, and the costs, fees, charges and disbursements in respect of the business done to be ascertained in the same manner as if no such agreement had been made.

29. Such an agreement shall exclude any further claim of the legal practitioner beyond the terms of the agreement with respect to any services, fees, charges or disbursements in relation to the conduct and completion of the business in respect of which the agreement is made, except such services, fees, charges or disbursements, if any, as are expressly excepted by the agreement.

30. A provision in any such agreement that the legal practitioner shall not be liable for negligence, or that he shall be relieved from any responsibility to which he would otherwise be subject as such legal practitioner, shall be wholly void.

31. Any person who practises in any Court in contravention of the provisions of rule 2 shall be liable, by order of such Court, to a fine not exceeding ten times the amount of the stamp required by these rules for an Advocate's or Pleader's certificate, as the case may be, and in default of payment, to imprisonment in the civil jail for a term which may extend to six months. He shall also be incapable of maintaining any suit for, or enforcing any lien with respect to, any fee or reward for, or with respect to, anything done or any disbursement made by him as an Advocate or Pleader whilst he has been contravening the provisions of rule 2.

32. Any legal practitioner who has been suspended or dismissed, or whose certificate has been cancelled, under these rules, and who, during such suspension, or after such dismissal or cancellation, practises as an Advocate or Pleader in any Court, shall be liable, by order of such Court, to a fine not exceeding five hundred rupees, and, in default of payment, to imprisonment in the civil jail for a term which may extend to six months.

33. Any legal practitioner who fails to deliver up his certificate as required by rule 25 shall be liable, by order of the Resident, to a fine not exceeding two hundred rupees, and, in default of payment, to simple imprisonment for a term not exceeding three months.

34. Every order under the foregoing rules 31 and 32 shall, when passed by a subordinate Court, be subject to revision by the Court of the Resident.

35. (1) The Resident, the Sessions Judge, the District Magistrate and the District Judge (each as regards his own Court and the Courts, if any, subordinate thereto) may frame and publish lists of persons proved to his satisfaction, by evidence of general repute or otherwise, habitually to act as touts, and may, from time to time, alter and amend such lists.



(2) No person's name shall be included in any such list until he shall have had an opportunity of showing cause against such inclusion.

(3) A copy of every such list shall be kept hung up in every Court to which the same relates.

(4) The Judge may, by general or special order, exclude from the precincts of the Court any person whose name is included in any such list.

(5) Every person whose name is included in any such list shall be deemed to be proclaimed as a tout within the meaning of the preceding rule 16.

## SCHEDULE.

### FORM I.

IN THE COURT OF THE RESIDENT IN MYSORE.

*Dated*

To

In pursuance of the rules published in the notification of the Government of India in the Foreign Department, No. 2113-I. A., dated the 14th May, 1900, you, \_\_\_\_\_, have been admitted as an Advocate of the Court of the Resident in Mysore, and you are hereby authorised to practise in that Court and in all the Courts subordinate thereto.

*Resident.*

### FORM II.

IN THE COURT OF THE RESIDENT IN MYSORE.

*Dated*

To

In pursuance of the rules published in the notification of the Government of India in the Foreign Department, No. 2113-I. A., dated the 14th May, 1900, you, \_\_\_\_\_, are hereby authorised to practise as a Pleader in all Courts subordinate to the Court of the Resident in Mysore.

This certificate is subject to renewal as provided by the said rules.

*Resident.*

[*Gazette of India*, 1900, Pt. I, p. 301.]

*Rules for the recognition of the representative title of the Administrator General of Madras.*

No. 3764-I. A., dated the 15th September, 1905.—Whereas the provisions of the Administrator General's Act, 1874<sup>1</sup> (II of 1874), apply as a personal law only to British subjects in the Civil and Military Station of Bangalore, and whereas it is deemed expedient that better provision should be made for the recognition in the said Station of the representative title of the Administrator General of Madras, against all debtors of, and all persons holding property belonging to, deceased British subjects in the aforesaid Station:

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor General in Council is pleased to make the following rules, and to direct that they shall have effect in the Civil and Military Station of Bangalore:—

1. So far as regards the Administrator General of the Presidency of Madras, as defined in the Administrator General's Act, 1874<sup>1</sup> (II of 1874), the High Court of Judicature at Madras shall be deemed to be a Court of competent jurisdiction within the meaning of sections 187 and 190 of the Indian Succession Act, 1865 (X of 1865),<sup>2</sup> as applied to the Civil and Military Station of Bangalore by Foreign Department notification<sup>2</sup> No. 2252-I., dated the 7th August, 1883.

2. The Administrator General of Madras shall be deemed by all the Courts in the Civil and Military Station of Bangalore to have a right to the Letters of Administration in preference to that of any person merely on the ground of his being a creditor, a legatee other than an universal legatee, or a friend of the deceased.

3. Probate or Letters of Administration granted by the High Court of Judicature at Madras to the Administrator General of the said Presidency shall have effect over all the property and estate, moveable or immoveable, of a deceased British subject in the Civil and Military Station of Bangalore, and shall be conclusive as to the representative title against all debtors of the deceased, and all persons holding property therein which belongs to him, and shall afford full indemnity to all debtors paying their debts and all persons delivering up such property to the said Administrator General.

4. All suits and other proceedings commenced by or against the Administrator General of Madras in his representative character in respect of property belonging to a deceased British subject in the Civil and Military Station of Bangalore, may be brought by or against him by his name of office in the Courts of the said Station, and no suit or other

<sup>1</sup> See now the Administrator General's Act, 1913 (III of 1913).

<sup>2</sup> See now the Indian Succession Act, 1925 (XXXIX of 1925) as applied to the Civil and Military Station by Notification No. 261-I., dated the 24th April, 1929. Printed *supra*, p. 39.

proceeding heretofore or hereafter commenced by or against any person as the Administrator General of Madras, either alone or jointly with any other person, shall abate by reason of the death, resignation or removal from office of the said Administrator General, but the same may by order of the said Courts, and upon such terms as to the service of notices or otherwise as the Courts may direct, be continued by or against his successor immediately upon his appointment, in the same manner as if no such death, resignation or removal had occurred:

Provided that nothing hereinbefore contained shall render any such successor personally liable for any costs incurred prior to the order for continuing the suit against him.

5. If any suit be brought in the Courts of the Civil and Military Station of Bangalore by a creditor against the Administrator General of Madras in his representative character, the plaintiff shall be liable to pay the costs of the suit down to and including the decree, unless upon proof by affidavit or otherwise that not less than one month previous to the institution of the suit he had applied in writing to the said Administrator General stating the amount and other particulars of the claim, and supporting the same by such evidence as, under the circumstances of the case, the Administrator General was reasonably entitled to require, and that the Administrator General had refused or neglected to register the claim according to the practice of his office.

If in any such suit judgment is pronounced in favour of the plaintiff, he shall, nevertheless, be only entitled to payment out of the assets of the deceased equally and rateably with the other creditors.

[*Gazette of India*, 1905, Pt. I, p. 671.]

*Bangalore Foreigners Law, 1906.*

No. 4541-I. A., dated the 2nd November, 1906.—*Preamble.*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor General in Council is pleased to make the following Law for the purpose of regulating the residence of foreigners within the limits of the Civil and Military Station of Bangalore.

1. *Short title and extent.*—(1) This law may be called the “Bangalore Foreigners Law, 1906”.

(2) It extends to the Civil and Military Station of Bangalore as defined for the time being by notification under the Bangalore Municipal Law, 1897.

2. *Definition.*—The word “foreigner” means any person, not being a European British subject within the meaning of the Code of Criminal Procedure, 1898, as applied to the Civil and Military Station of Bangalore, or a subject of any Native Prince or State in India, or a Native of British India.

3. *Proof of being foreigner.*—If a question arises whether any person alleged to be a foreigner and to be subject to the provisions of this Law is a foreigner or not, or is or is not subject to the provisions of this Law, the onus of proving that such person is not a foreigner or is not subject to the provisions of this Law, shall lie upon such person.

4. *Resident may order foreigner to remove himself.*—The Resident in Mysore may, by writing, order any foreigner to remove himself from the Civil and Military Station of Bangalore, or to remove himself therefrom by a particular route to be specified in the Order.

5. *Foreigners refusing to remove or returning without authority after removal may be apprehended and detained.*—If any foreigner ordered to remove himself from the Civil and Military Station of Bangalore or ordered to remove himself therefrom by a particular route, neglects or refuses so to do; or

if any foreigner, having removed himself from the said Civil and Military Station in consequence of an order issued under section 4 of this Law, or having been removed from the said Station under such an order, wilfully returns thereto without an authority in writing granted by the Resident in Mysore, such foreigner may be apprehended and detained in safe custody until he is discharged therefrom by order of the Resident in Mysore upon such terms and conditions as the said Resident deems sufficient for the peace and security of the said Civil and Military Station, and of British India and of the territories of Princes and States in India.

[*Gazette of India*, 1906, Pt. I, p. 776.]

#### *Bangalore Sanitary Improvements Loans Law, 1906.*

No. 5064-I. A., dated the 21st December, 1906.—Whereas for improving the sanitary condition of the Civil and Military Station of Bangalore it is proposed to demolish certain buildings in certain congested areas in the Station and to erect new buildings in place thereof in certain new areas in the limits of the Station.

And whereas it is expedient to provide for the grant of loans of money by the Government to persons evicted from such demolished buildings to whom building sites in such new areas have been given for the purpose of enabling them to erect buildings thereon, and further to provide for similar grants to any persons desirous of obtaining the same for the purpose of enabling them to purchase building sites in such new areas and to erect buildings thereon: In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor General in Council is hereby pleased to make the following law:—

1. (1) This law may be called the Bangalore Sanitary Improvement Loans Law, 1906.

(2) It extends to the Civil and Military Station of Bangalore as defined for the time being by notification under the Bangalore Municipal Law, 1897.

2. In this Law "Collector" means the Collector of land revenue of the Civil and Military Station of Bangalore, or any officer empowered by the Resident in Mysore by name or by virtue of his office to discharge the functions of a Collector under this Law.

3. Subject to such rules as may be made under section 6, loans may be granted under this Law by such officer as may from time to time be empowered in this behalf by the Resident in Mysore, for the purpose of enabling persons to whom building sites may have been given in the new areas referred to in the preamble to erect buildings thereon or to enable persons desirous of purchasing building sites in such areas and erecting buildings thereon to purchase the same and to erect such buildings.

4. (1) Every loan granted under this Law shall be made repayable by instalments (in the form of an annuity or otherwise) within such period from the date of the actual advance of the loan or when the loan is advanced in instalments from the date of the actual advance of the last instalment as may, from time to time, be fixed by the rules made under this Law.

(2) The period fixed as aforesaid shall not exceed ten years.

5. (1) Subject to such rules as may be made under section 6 all loans granted under this Law, all interest (if any) chargeable thereon and costs (if any) incurred in making the same, shall, when they become due, be recoverable by the Collector in all or any of the following modes, namely:—

- (a) From the borrower—as if they were arrears of land revenue due by him;
- (b) From his surety (if any)—as if they were arrears of land revenue due by him;
- (c) Out of the land for the purchase of which or for the erection of buildings on which the loan has been granted—as if they were arrears of land revenue due in respect of such land;
- (d) Out of the building for the erection of which the loan has been granted—as if the said building were properly assessed to land revenue and the amount due to Government were an arrear of land revenue due thereon;
- (e) Out of the property comprised in the collateral security (if any)—according to the procedure for the realization of land revenue by the sale of immoveable property other than the land on which that revenue is due.

(2) When any sum due on account of any such loan, interest or costs is paid to the Collector by a surety or an owner of property comprised in any collateral security, or is recovered under sub-section (1) by the Collector from a surety or out of any such property, the Collector shall, on the application of the surety or the owner of that property (as the case may be), recover that sum on his behalf from the borrower, or out of the land for the purchase of which or of the building for the erection of which the loan has been granted or out of both in manner provided by sub-section (1).

(3) It shall be in the discretion of a Collector acting under this section to determine the order in which he will resort to the various modes of recovery permitted thereby.

6. The Resident in Mysore, with the previous sanction of the Governor General in Council, may, from time to time, by notification in the Local Official Gazette, make rules<sup>1</sup> consistent with this Law to provide for the following matters, namely :—

- (a) The manner of making applications for loans;
- (b) The officers by whom loans may be granted;
- (c) The manner of conducting enquiries relative to applications for loans and the powers to be exercised by officers conducting those enquiries;
- (d) The nature of the security to be taken for the due application and repayment of the money, the rate of interest at which, and the conditions under which, loans may be granted, and the manner and time of granting loans;
- (e) The inspection of lands or buildings in respect of which loans have been granted;
- (f) The instalments by which, and the mode in which loans, the interest to be charged on them and the costs incurred in the making thereof, shall be paid;
- (g) The manner of keeping and auditing the accounts of the expenditure of loans and of the payments made in respect of the same; and
- (h) All other matters pertaining to the working of the law.

[*Gazette of India*, 1906, Pt. I, p. 925.]

*Addition of the site of the Indian Institute of Science to the Civil and Military Station and declaration of the laws in force.*

*No.-595-I. A., dated the 7th February, 1908.*—Whereas His Highness the Maharaja of Mysore has ceded to the British Government the exclusive management of, and full jurisdiction over, the lands specified in the

<sup>1</sup> See Notification No. 122, dated the 26th December, 1906. *Infra*, p. 833.

annexed schedule which are required for the purpose of locating the Indian Institute of Science.<sup>1</sup>

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor General in Council is pleased to issue the following orders:—

I.—From the date of this notification the lands specified in the annexed schedule shall be deemed to be and to form a part of the Civil and Military Station of Bangalore.

II.—All laws for the time being in force in the Civil and Military Station of Bangalore shall be deemed to be in force in the aforesaid lands.

*Schedule referred to above.*

The lands comprised within the boundaries defined below and forming part of the catchment area of Sankey's Reservoir, Bangalore.

The boundary line on the east commences from the point where the nulla to the north of the Sankey's Reservoir Pontoon shed joins the tank bed, and thereafter runs northward along the Sankey's Reservoir bed, crosses the road leading from the Butis to the Tumkur road, and joins the feeder channel of the Reservoir just above this road. This channel thereafter becomes the boundary along the remaining portion of the east, and along the north and west, till it meets the old Tumkur road running behind the Maharaja's Mills. The boundary to the south is the continuation of the road along Sankey's Reservoir to the junction of the present Tumkur road and from thence along the proposed road to meet the old Tumkur road.

[*Gazette of India*, 1908, Pt. I, p. 103.]

*Bangalore Civil and Military Station Police Law, 1927.*

No. 286-I., dated the 9th May, 1927.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902,<sup>2</sup> and of all other powers enabling him in that behalf, the Governor General in Council is pleased to make the following law for the regulation of the Police Force of the Civil and Military Station of Bangalore:—

CHAPTER I.

PRELIMINARY.

1. *Short title and local extent.*—(1) This Law may be called the Bangalore Civil and Military Station Police Law, 1927.

(2) It extends to the Civil and Military Station of Bangalore.

<sup>1</sup> Cf. Notification No. 438, dated the 27th May, 1909, *Gazette of India*, 1909, Pt. I, p. 405.

<sup>2</sup> Printed in Appendix I.

2. *Definitions*.—In this Law, unless there is anything repugnant in the subject or context,—

- (a) "cattle" includes horned cattle, horses, asses, mules, sheep, goats, swine, camels and elephants;
- (b) "Commissioner" means the Commissioner of Police appointed under section 4;!
- (c) "common gaming house" means any house, room or place, whether enclosed or otherwise, in which any instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using or keeping such house, room or place whether by way of charge for the use of the instruments of gaming or of the house, room or place or otherwise howsoever;
- (d) "gaming" includes all wagering or betting, except wagering or betting on a horse race where such wagering or betting takes place—
  - (i) on the day on which such race is to be run, and
  - (ii) in an enclosure or place which the licensee of the race-course has set apart for the purpose under a licence issued by the Commissioner in respect of such enclosure or place, and
  - (iii) between the licensee or licensees of such enclosure or place on the one hand and any individual in person being present in the enclosure or place on the other hand, and in such manner and by such contrivance as may be permitted by the licence;

and includes any transaction by which a person in any capacity whatever employs another in any capacity whatever or engages for another in any capacity whatever to wager or bet whether with the licensee or with any other person; but does not include a lottery:

Provided that such licensee as aforesaid may employ servants, and persons may accept service from such licensee, for wagering or betting in such manner or by such contrivance as may be permitted in such licence;

- (e) "inhabitant", in relation to any area, includes every person who himself or by his agents or servants occupies or holds land or other immoveable property within such area and any landlord who himself or by his agents or servants collects rent direct from tenants or occupiers in such area, notwithstanding that such person or landlord does not actually reside therein;



- (f) “instrument of gaming” means any article used as a subject or means of gaming, and any document used as a register or record or evidence of any gaming;
- (g) “official Gazette” means the Mysore Residency Orders;
- (h) “police officer” means any member of the Police Force of the Station appointed under this Law, and includes the Commissioner, a Deputy Commissioner of Police, and any additional or special police officer appointed under section 7, section 10, section 11, or section 13;
- (i) “the Resident” means the Resident in Mysore;
- (j) “the Station” means the Civil and Military Station of Bangalore as defined for the time being under section 4 of the Bangalore Municipal Law, 1897; and
- (k) “unlawful assembly” means an unlawful assembly within the meaning of the Indian Penal Code and the Code of Criminal Procedure, 1898, as applied to the Station. XLV of 1860;  
V of 1898.

## CHAPTER II.

### THE POLICE FORCE.

3. *Constitution of Police Force*.—There shall be constituted for the Station a Police Force which shall consist of such number of officers and men, and shall be otherwise constituted in such manner, as the Resident may determine.

4. *The Commissioner of Police*.—The administration of the Police Force shall, subject to the general control and direction of the District Magistrate, be vested in a Commissioner of Police who shall be appointed by the Resident.

5. *Deputy Commissioners of Police*.—The Resident may appoint such Deputy Commissioners of Police, if any, as he thinks fit who shall be competent to perform such duties or exercise such powers of the Commissioner as the Commissioner may direct.

6. *Appointment of members of Police Force*.—Subject to the provisions of section 3, the Commissioner may appoint such persons as he thinks fit to be members of the Police Force.

7. *Additional police in disturbed areas*.—(1) The Resident may, by proclamation notified in the official Gazette and in such other manner as he thinks fit, declare that any street or part of the Station is in such a disturbed or dangerous state or that the conduct of persons dwelling in such street or part or of any class or section of such persons is such as to render it expedient that the numbers of the Police Force should be increased.

(2) When such proclamation has been issued, the Resident, or any other officer authorised by the Resident in this behalf, may appoint and employ, for so long as it remains in force, such police officers in addition to the ordinary strength of the Police Force as he thinks fit, and may order such number of the Police Force so reinforced as he deems necessary to be quartered in any street or part of the Station which has been specified in the proclamation referred to in sub-section (1).

(3) The cost of such additional Police Force shall be borne by the inhabitants of the street or part of the Station in which such Police Force is quartered :

Provided that the Resident may exempt any such inhabitants or any class or section of them from liability to bear any portion of such cost.

(4) The District Magistrate may, after such inquiry as he thinks necessary, apportion such cost among the inhabitants of the street or part of the Station who are liable to bear the same, and such apportionment shall be made according to the District Magistrate's judgment of the respective means of such inhabitants.

(5) Every proclamation issued under sub-section (1) shall state the period for which it is to remain in force; but any such proclamation may be withdrawn at any time or may be continued from time to time for such further period or periods as the Resident thinks fit.

8. *Compensation to sufferers from misconduct of inhabitants*.—(1) If, whilst in any area any proclamation made under sub-section (1) of section 7 is in force, loss of or damage to property has been caused by or has ensued from the misconduct of the inhabitants of such area or any class or section of them, any person, who is an inhabitant of such area and who claims to have suffered any injury from such misconduct, may within one month from the date of the injury apply for compensation to the District Magistrate.

(2) The District Magistrate, with the sanction of the Resident, after such inquiry as he thinks necessary, and whether any additional Police Force has or has not been quartered in such area under section 7, may—

- (a) declare the persons to whom injury has been caused by or has ensued from such misconduct;
- (b) fix the amount of compensation to be paid to such persons and the manner in which it is to be distributed among them; and
- (c) assess the proportion in which the same shall be paid by such of the inhabitants of the area other than the applicant as have not been exempted in the manner hereinafter provided from liability to pay the same :

Provided that the District Magistrate shall not make any declaration or assessment under this sub-section, unless he is of opinion that such

injury as aforesaid has arisen from a riot or unlawful assembly within such area, and that the person who suffered the injury was himself free from blame in respect of the occurrences which led thereto.

(3) The Resident may exempt any persons or class or section of persons from liability to pay any portion of such compensation.

(4) Every declaration and assessment made and every order passed by the District Magistrate under sub-section (2) shall be subject to revision by the Resident, but save as aforesaid shall be final, and no proceedings shall be maintainable in any Civil Court in respect of any injury for which compensation has been awarded under this section.

9. *Compensation for injury caused by unlawful assembly.*—(1) With the previous sanction of the Resident, the District Magistrate may, after such inquiry as he thinks necessary,—

(a) determine the amount of any compensation which he considers should be paid to any person in respect of any loss or damage caused to any property or in respect of death or grievous hurt caused to any person by anything done in the prosecution of the common object of an unlawful assembly, and

(b) require the President of the Municipal Commission of the Civil and Military Station of Bangalore to recover such amount as if it were a municipal tax from the inhabitants of such of the municipal wards, sub-wards or sections thereof as the District Magistrate may, subject to any general or special order of the Resident in this behalf, direct.

(2) The Resident may, on the recommendation of the District Magistrate, exempt any person from liability to pay any portion of such compensation.

(3) No compensation shall be granted under this section except upon a claim made within one month from the date of the loss, damage, death or grievous hurt in respect of which the claim is made, and unless the District Magistrate is satisfied that the claimant and, where the claim is made in respect of the death of any person, that that person also has himself been free from blame in connection with occurrences which led to the loss, damage, death or grievous hurt.

(4) No civil suit shall be maintainable in respect of any loss, damage or injury for which compensation has been granted under this section.

10. *Additional police employed at cost of individuals.*—The Resident or, subject to the control of the District Magistrate, the Commissioner may, on the application of any person and after such inquiry thereon as he thinks fit, appoint and employ any number of additional police officers to keep the peace at any place within the Station and for such time as he thinks fit; such force shall be under the orders of the Com-

missioner and shall be maintained at the charge of the person making the application :

Provided that such person may, after giving one month's notice in writing to the Resident or the Commissioner, require that such additional police be withdrawn and shall be relieved from the charges for the maintenance of such additional police from the date of expiry of the notice.

11. *Appointment of additional police in the neighbourhood of railway or other works.*—Where any railway, canal or other public work is being constructed or is in use, or any manufactory or commercial concern is in operation or is being carried on, and it appears to the Resident that the employment of an additional Police Force in any place is rendered necessary by the behaviour or reasonable apprehension of the behaviour of the persons employed upon or in such work, manufactory or concern the Resident may appoint and employ in such place such additional Police Force and for such time as he considers necessary, and the person having the control or custody of the funds used in carrying on such work, manufactory or concern shall be liable to pay the charges for such additional police.

12. *Recovery of moneys payable under preceding sections.*—(1) Any moneys payable under section 7, section 8, section 10 or section 11 may be recovered by the District Magistrate in the manner provided by sections 386 and 387 of the Code of Criminal Procedure, 1898, as applied <sup>v of 1898.</sup> to the Station, for the recovery of fines.

(2) Any moneys payable under section 7, section 10 or section 11 shall, when recovered, be applied to the maintenance of the additional Police Force in accordance with such directions as the Resident may make in this behalf. !

(3) Any moneys payable under section 8 or section 9 shall, when recovered, be paid by the District Magistrate to the person to whom and in the proportions in which the same are payable under that section.

13. *Appointment of special police.*—The Commissioner may, with the sanction of the District Magistrate, on the happening of any temporary emergency, appoint any able-bodied male person who is over the age of eighteen years and under the age of fifty-five years to be a special police officer.

14. *Penalty for neglect of duty or disobedience by special police officer.*—If any special police officer without sufficient excuse (the burden of proving which shall lie upon him) neglects or refuses to serve as such or to obey any lawful order or direction given to him in connection with the performance of his duties, he shall be punishable with fine which may extend to fifty rupees.

15. *Certificates of police officers.*—Every police officer appointed under section 6, section 7, section 10, section 11 or section 13 shall on his

appointment receive a certificate in the form contained in the Schedule, and shall thereupon have all the powers, duties, privileges and protection of a police officer and perform all such duties as may be assigned, and obey all such orders as may be given, to him by the Commissioner.

16. *Orders and regulations.*—The Commissioner may, with the sanction of the Resident, make orders and regulations for the general government of the Police Force.

17. *Police officers not to resign without leave or notice.*—No police officer shall be at liberty to resign his office or to withdraw himself from the duties thereof without the written permission of the Commissioner, or, in the absence of such permission, unless he has given to the Commissioner not less than two months' notice in writing of his intention so to do: and any police officer who resigns or withdraws himself in contravention of the provisions of this section shall, if the Commissioner so directs, forfeit the whole or any part of any arrears of pay due to him; and shall, further, be punishable with imprisonment which may extend to two months, or with fine which may extend to fifty rupees, or with both.

18. *Persons ceasing to belong to the Police Force to deliver up certificates, etc.*—(1) Every person who ceases to be a police officer shall forthwith deliver up to the Commissioner, or to such other person and at such time and place as the Commissioner may direct, the certificate issued to him under section 15, and all clothing, accoutrements and other articles supplied to him for the purpose of his duty, and in default of so doing be punishable with imprisonment which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

(2) The Commissioner or any Magistrate may issue a warrant to search for and seize any clothing, accoutrements or other articles wherever the same may be found which have not been delivered up in compliance with the provisions of sub-section (1).

19. *General obligations of police officers.*—(1) Every police officer shall, for all purposes of this Law, be considered to be always on duty and may at any time be employed as a police officer in any part of the Station.

(2) No police officer, other than a special police officer appointed under section 13, shall engage in any employment or office whatever other than his duties under this Law, save with the express permission in writing of the Resident.

(3) A police officer shall not exercise any authority other than the authority provided for a police officer under this Law or any other provision of law for the time being in force in the Station.

20. *Penalty for neglect or violation of duty.*—The Commissioner may fine, suspend, reduce or dismiss any police officer who neglects or violates

his duty as such officer or does any act in contravention of any order or regulation made under this Law, and such police officer shall further be punishable for any such offence (not being an offence under section 17) with imprisonment which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

### CHAPTER III.

#### REGULATIONS FOR PRESERVATION OF ORDER.

21. *Power to make bye-laws.*—(1) The Resident may, by notification in the official Gazette, make bye-laws consistent with this Law for the purpose of carrying out the objects thereof and for the preservation of order.

(2) Bye-laws so made shall be notified in the official Gazette in English, and shall come into force on such date, not being less than thirty days from the date of the notification, as may be provided by the bye-laws.

22. *Regulation of public assemblies and processions.*—(1) The Commissioner may, by general or special order in writing, direct the conduct of any assembly or procession on the public roads or in any public street or thoroughfare, and prescribe the routes by which and the times at which any such procession may pass.

(2) The Commissioner may, with the sanction of the District Magistrate, if he is satisfied that it is intended by any persons or class of persons to convene an assembly in any road, street or thoroughfare, or to form a procession which would, if uncontrolled, be likely to cause a breach of the peace, by general or special notice served or notified in such manner as the Commissioner thinks fit, order that such assembly shall not be convened or that such procession shall not be formed, unless the persons convening, directing or promoting such assembly or procession have obtained a licence for the same.

(3) On application for such licence being made, the Commissioner may issue a licence specifying the names of the licensees and the conditions on which alone such assembly or procession shall be permitted to take place:

Provided that no fee shall be charged on the application for, or the grant of, any such licence.

(4) If any assembly or procession in respect of which an order has been made under sub-section (1) is being conducted in violation of such order, or if any assembly or procession in respect of which an order has been made under sub-section (2) is being or has been convened or formed without a licence for the same having been obtained or in violation of any of the conditions of such a licence, any Magistrate, the Commissioner, any Inspector of Police, or any police officer in charge

of a Police Station may order the assembly or procession to disperse forthwith.

(5) Where the members of any assembly or procession neglect or refuse to obey any order given under sub-section (4), the assembly or procession shall be deemed to be an unlawful assembly.

23. *Regulation of music and noise in streets.*—(1) The Commissioner may, by general or special order in writing regulate the extent to which music may be used in the streets on all occasions.

(2) If the Commissioner is satisfied, upon complaint made to him in writing by any person, that the playing of music or the making of any noise in any place is a nuisance and ought to be summarily stopped either on account of the serious illness, or because it seriously interferes with the reasonable occupation, of any person resident or lawfully engaged in the neighbourhood, he or, subject to his orders, any police officer not inferior in rank to an Inspector may give such orders, either orally or in writing, as may be necessary to prevent the continuance of the music or noise in that place.

(3) The District Magistrate may, upon the complaint of any person aggrieved, revise and alter or reverse any order made under sub-section (2) to the extent to which he is satisfied that the order is unreasonable in the circumstances.

(4) The Commissioner may, with the sanction of the District Magistrate, by order promulgated in such manner as he thinks fit, prohibit, at any time and for such period as he considers necessary for the preservation of public peace or public safety, any public utterance of cries, singing of songs, playing of music, delivery of speeches or harangues, use of gestures or mimetic representations, or any preparation, exhibition or dissemination of pictures, symbols, placards or any other object or thing, which he considers likely to outrage morality or to inflame religious animosity or hostility between different classes, or to incite to a disturbance of the public peace or to resistance to, or contempt of, any law or any lawful authority or to the commission of any other offence:

Provided that no such prohibition shall remain in force for more than seven days without the sanction of the Resident.

24. *Dispersal of gangs and bodies of persons.*—(1) If the Commissioner is satisfied that the movements or encampment of any gang or body of persons in the Station are or is causing, or likely to cause, danger or alarm to the inhabitants thereof, or a reasonable apprehension that unlawful designs are entertained by such gang or body or by any member or members thereof, or that an outbreak of epidemic disease is likely to result from the continued residence in the station of any large number of pauper immigrants, the Commissioner may, by beat of drum or otherwise as he thinks fit, direct the members of such gang or body or such immigrants so to conduct themselves as may seem

necessary to the Commissioner in order to prevent violence or alarm or the outbreak or spread of such disease, or to disperse and remove themselves to such place or places by such route or routes and within such time as the Commissioner may specify.

(2) The Commissioner may direct any person who has been twice convicted in the Station of an offence under section 64 or section 68 to remove himself from the Station within such time as the Commissioner may specify.

(3) If any person so directed under sub-section (1) or sub-section (2) refuses or fails to remove himself to the place specified or outside the Station, as the case may be, within the time so specified, the Commissioner may cause such person to be arrested and removed in police custody out of the Station.

25. *Police to keep order on public roads.*—It shall be the duty of the Police Force to keep order in the public roads, streets, thoroughfares, ghâts and landing places, and at all other places of public resort and to prevent obstructions on the occasions of assemblies and processions on the public roads and streets, or in the neighbourhood of places of worship during the time of public worship, and in any case when any road, route, street, thoroughfare, ghât or landing place is thronged or liable to be obstructed.

26. *Betting places.*—No place shall be used for wagering or betting on a horse-race save under and in accordance with the terms of a licence granted by the Commissioner in respect of such place.

27. *Place of resort to be licensed.*—No enclosure, place or building, having an area of five hundred square feet or upwards, shall be used for any public entertainment or meeting without a licence from the Commissioner.

28. *Power to deal with prostitutes and keepers of brothels.*—(1) The Commissioner may at any time cause a notice to be served upon any person who occupies, or manages, or acts or assists in the management of, or upon any woman who resides in, uses, or frequents, any house, room or place in which the business of a common prostitute is carried on, requiring such person or woman, after such date as may be specified in the notice which shall be not less than seven days from the date of the notice, not to reside in, use or frequent any street or place specified in the notice.

(2) Nothing in this section shall be deemed to affect any provision of the Cantonnments Act, 1924, as applied to the Station.

29. *Powers to be exercised in conformity with bye-laws.*—Nothing in this Chapter shall be deemed to authorise the District Magistrate or the Commissioner or any other officer to make any order or to do anything which is repugnant to or inconsistent with any bye-law made under section 21.



## CHAPTER IV.

## EXECUTIVE POWERS AND DUTIES OF POLICE.

30. *Duties of police officers.*—(1) It shall be the duty of every police officer promptly to obey and execute all orders and warrants lawfully issued to him by any competent authority, to collect and communicate intelligence affecting the public peace, to prevent the commission of offences and public nuisances, to detect and bring offenders to justice, and to apprehend all persons whom he is legally authorised to apprehend and for whose apprehension sufficient ground exists; and it shall be lawful for every police officer, for any of the purposes mentioned in this section, without a warrant to enter and inspect any drinking shop, common gaming house, or other place of resort of loose and disorderly characters.

(2) It shall be lawful for any police officer to lay any information before a Magistrate and to apply for a summons and search warrant or such other legal process as may be allowed by law against any person committing an offence.

31. *Arrest without warrant.*—(1) Any police officer may arrest without a warrant any person committing in his view any offence under this Law.

(2) Any person who is found committing an offence affecting the person or property of another may, if his name and address is unknown be apprehended by the person injured, or in charge of the property concerned, or by any person acting in aid of such person, and may be detained, until he gives his name and address and satisfies such person that the name and address so given are correct or until he can be delivered into the custody of a police officer.

32. *Power to search stolen property without warrant.*—Any police officer above the rank of constable, who has reasonable ground to suspect that stolen property is concealed or lodged in any dwelling house or other place and is likely to be removed before a search warrant can be obtained, may, subject to the general provisions of the Code of Criminal Procedure, 1898, as applied to the Station, relating to searches, search <sup>V of 1898.</sup> such house or place.

33. *Seizure of property in respect of which offence is suspected.*—Any police officer may seize any property or thing which may be found in the possession of any person, where the possession by such person of such property or thing creates a reasonable suspicion that an offence has been committed in respect thereof, and any such seizure shall be forthwith reported to the Commissioner, who shall thereupon make such order respecting the custody or production of the property as he thinks fit.

34. *Power to take charge of unclaimed property.*—It shall be the duty of every police officer to take charge of all unclaimed property which

comes to his notice, to furnish an inventory thereof to the District Magistrate, and to dispose of such property in compliance with the orders of the District Magistrate.

35. *Power to deal with certain property of persons dying intestate.*—If any person dies intestate leaving moveable property within the Station of value less than two hundred rupees, any police officer may take charge of such property, and the District Magistrate may, without requiring the production of any probate, letters of administration, succession certificate or such other conclusive evidence of title and upon such terms as he thinks fit, order the said property to be delivered to any person appearing to him to be entitled thereto, and such delivery shall be a full discharge to the District Magistrate and to the Secretary of State for India from all liability in respect of such property.

V of 1893. 36. *Application of sections 523, 524 and 525 of the Code of Criminal Procedure, 1898.*—The provisions of sections 523, 524 and 525 of the Code of Criminal Procedure, 1898, as applied to the Station, shall, so far as may be, apply to all property seized or taken charge of by the police.

37. *Commissioner to keep standard weights and measures.*—The Commissioner shall keep in his office such standard weights and measures as may from time to time be prescribed or declared to be correct by the Municipal Commission of the Civil and Military Station of Bangalore; and weights and measures shall be held to be false which do not agree with such standards; and on conviction of any person for an offence under Chapter XIII of the Indian Penal Code, as applied to the Station, the weights and measures which formed the subject-matter of the charge shall be forfeited and destroyed.

38. *Power of police to enter shops to inspect weights, etc.*—Any police officer above the rank of a head constable may enter any shop or premises for the purpose of inspecting the weights and measures, or the instruments for weighing or measuring, kept or used therein, and may seize any weight or measure, or any instrument for weighing or measuring, which he has reason to believe is false.

39. *The Commissioner may grant warrant to enter common gaming house.*—If the Commissioner has reason to believe that any house, room or place is used as a common gaming house, he may issue a warrant authorising any police officer above the rank of a constable to enter, with such assistance as may be found necessary, by night or by day and by force, if necessary, any such house, room or place, and to arrest all persons found therein and to seize all instruments of gaming and all moneys and securities for money and articles of value reasonably suspected to have been used or intended to be used for the purpose of gaming which are found therein, and to search all parts of such house, room or place and any person found therein.

40. *Instruments of gaming to be evidence.*—Any instruments of gaming found in any house, room or place entered or searched under the provisions of section 39, or upon any person found therein, shall be evidence that such house, room or place is used as a common gaming house and that the persons found therein were present for the purpose of gaming, although no play has been actually seen by the police officer or any of his assistants.

41. *Proof of playing for stakes unnecessary.*—It shall not be necessary for the conviction of any person of the offence of keeping a common gaming house or of being concerned in the management of any common gaming house to prove that any person found playing at any game was playing for any money, wager or stake.

42. *Powers of police on the occasion of a fire.*—(I) On the occasion of any fire in the Station, any police officer above the rank of constable may—

- (a) remove, or order the removal of, any persons who by their presence interfere with or impede the operations for extinguishing the fire or for saving life or property, and close any street or passage in or near which any fire is burning;
- (b) by himself, or through others acting under his orders, break into or through, or pull down or use for the passage of hoses or other appliances, any premises for the purpose of extinguishing the fire, but not so as to do more damage than is reasonably necessary;
- (c) cause the mains and pipes of any place to be shut off so as to give greater pressure of water in the place where fire has occurred;
- (d) call on the persons in charge of any fire-engine to render such assistance as may be possible; and
- (e) generally to take such measures as may be necessary for the preservation of life and property.

(2) Any damage done on the occasion of any such fire by any member of a fire brigade, or by any police officer or the assistance of any police officer, in the due execution of his duty shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

(3) Nothing in this section shall exempt any police officer or other person from liability to damages on account of any acts done by him without reasonable cause.

## CHAPTER V.

### OFFENCES.

42. *Use of place as gymnasium, etc.*—Any person who uses any enclosed place or building as a gymnasium or fencing school without a licence from the Commissioner in this behalf shall be punishable with fine which may extend to one hundred rupees:

Provided that nothing in this section shall apply in the case of any gymnasium or fencing school of any educational institution controlled or recognised by the Resident.

44. *Contravention of bye-laws or orders issued under section 21, section 22 or section 23.*—Any person who contravenes the provision of any bye-law made under section 21, or opposes or neglects or refuses to obey any order issued under '[section 22, section 23, or section 25] or who violates the condition of any licence issued under sub-section (3) of section 22, shall be punishable with fine which may extend to two hundred rupees.

45. *Opening or keeping common gaming house.*—Any person who opens, keeps, or uses or permits to be used, any common gaming house, or conducts or assists in conducting the business of any common gaming house, or advances or furnishes money knowing or having reason to believe that it will be used for the purposes of gaming in any such house; shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

46. *Being in a common gaming house.*—Any person who is found gaming, or present for the purpose of gaming, in a common gaming house shall be punishable with imprisonment which may extend to one month, or with fine which extend to two hundred rupees; and any person found in any common gaming house during any gaming or playing therein shall be presumed, until the contrary is proved, to be there for the purpose of gaming.

47. *Order for destruction of instruments of gaming.*—Where any person has been convicted of keeping a common gaming house, or of being present therein for the purpose of gaming, the Magistrate may order the destruction of any instrument of gaming found therein and the forfeiture of any other article seized therein or of the proceeds of the sale thereof.

48. *Indemnification of witnesses.*—Any person who has been concerned in gaming contrary to the provisions of this Law and who is examined as a witness in the trial of any person for a breach of any such provisions relating to gaming, and who upon such examination has made true and faithful discovery to the best of his knowledge of all matters as to which he has been so examined, shall be entitled to receive from the Magistrate a certificate in writing to that effect, and shall thereupon cease to be liable to punishment under this Law for anything done by him before that time in respect of gaming.

49. *Saving of games of skill.*—Nothing in any of the following sections, namely, sections 39, 40, 41, 45 and 46, shall be deemed to apply to games of mere skill wherever played.

<sup>1</sup> Substituted by Notification No. 456-I., dated the 20th August, 1928. *Gazette of India*, 1928, Pt. I, p. 725.

50. *Reward to informer.*—The Magistrate may direct that any portion not exceeding one-half, of any fine recovered under section 45 or section 46, or of any moneys or the proceeds of any articles seized and forfeited under section 47, shall be paid to any informer or police officer who has assisted in the detection of the offender.

51. *Gambling or cock-fighting in street.*—Any person who is found gaming with instruments of gaming in any public street, place or thoroughfare, or publicly fighting cocks, or present as a spectator of such gaming or cock-fighting, shall be punishable with imprisonment which may extend to one month, or with fine which may extend to fifty rupees; and any such instruments of gaming or money or fighting cocks shall be forfeited.

52. *Willful trespass.*—Any person who without reasonable excuse (the burden of proving which shall lie upon him) enters or remains in or upon any dwelling house or premises in the possession of another, or in or upon any land or ground attached thereto, or in or upon any ground, building, monument or structure belonging to Government or appropriated to a public purpose, or in or upon any boat or vessel, shall, whether he causes any actual damage or not, be punishable with fine which may extend to twenty rupees.

53. *Being found at night in suspicious circumstances.*—Any person who is found between sunset and sunrise—

- (a) armed with any dangerous instrument with intent to commit an offence, or
- (b) having his face covered, or otherwise disguised, with intent to commit an offence, or
- (c) in any dwelling house or other building or on board of any vessel or boat in the possession of another without being able satisfactorily to account for his presence there, or
- (d) lying or loitering in any street, yard or other place, being a reputed thief and without being able to give a satisfactory account of himself, or
- (e) having in his possession without lawful excuse (the burden of proving which shall lie upon him) any implement of house-breaking,

shall be punishable with imprisonment which may extend to three months.

54. *Carrying weapon without authority.*—Any person who, not being a soldier in His Majesty's Forces or in the Mysore State Forces, and not being a police officer or a member of any force constituted by or under the authority of the Government, goes armed with any sword, spear, gun or other offensive weapon in any public place otherwise than with the permission in writing of the District Magistrate or under

the authority of a licence issued in respect of such weapon under the Indian Arms Act, 1878, as applied to the Station, may be disarmed by any police officer, and any weapon so seized shall be forfeited to Government, unless redeemed by payment of such fine not exceeding ten rupees as the District Magistrate may impose.

55. *Possession of property of which satisfactory account cannot be given.*—Any person who has in his possession, or conveys in any manner or offers for sale or pawn, anything which there is reason to believe is stolen property or property fraudulently obtained, shall, if he fails to account for such possession or act to the satisfaction of the Magistrate, be punishable with imprisonment which may extend to three months, or with fine which may extend to one hundred rupees.

56. *Introduction of spirituous liquor, etc., into hospital.*—Any person who, introduces or attempts to introduce, without due permission, into any public hospital any spirituous or fermented liquor or intoxicating drug or preparation, shall be punishable with imprisonment which may extend to two months, or with fine which may extend to fifty rupees.

57. *Introduction of spirituous liquor, etc., into barracks.*—Any person who introduces or attempts to introduce into any military barracks guard-room or encampment any spirituous or fermented liquor or intoxicating drug or preparation, without the permission in writing of the Commanding officer, for the purpose of supplying the same to any person not above the rank of a non-commissioned officer, shall be punishable with imprisonment which may extend to two months, or with fine which may extend to one hundred rupees, and such liquor, drug or preparation shall be liable to be forfeited.

58. *Omission by pawn brokers, etc., to report possession of property suspected to be stolen.*—(1) Any person who, being a pawn broker, dealer in second-hand property or worker in metals, or reasonably believed by the Commissioner to be such a person, and having received from a police officer written notice that the possession of any property is suspected to have been transferred by any offence described in section 410 of the Indian Penal Code, as applied to the Station, or punishable under section 417, section 418, section 419 or section 420 of the said Code, is found in possession, or thereafter comes into possession, or has an offer either by way of sale, pawn, exchange or for custody, alteration or otherwise howsoever, made to him, of property answering the description contained in such notice, shall, unless—

- (a) he forthwith gives information to the Commissioner or at a police station of such possession or offer and takes all reasonable means to ascertain and to give information as aforesaid of the name and address of the person from whom the possession or offer was received, or

(b) the property is of such a nature as to be incapable of indentification from the notice and has been in no way concealed after the receipt of such notice,

be punishable with fine which may extend to fifty rupees in respect of each such article of property in his possession or offered to him, as the case may be.

(2) Any such pawn broker, dealer or worker may detain any person offering to him such article as aforesaid pending the arrival of the police.

59. *Melting, etc., or otherwise disposing of property suspected to be stolen.*—Any person who, having received any such notice as is referred to in section 58, alters, melts, defaces, or causes or suffers to be altered, melted, defaced or to disappear, without the previous permission of a police officer, any property answering the description contained in such notice, shall, on proof that the same was stolen property within the meaning of section 410 of the Indian Penal Code, as applied to the Station, or property in respect of which any offence punishable under section 417, section 418, section 419 or section 420 of the said Code, had been committed, be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

XLV of 1860.

60. *Buying or taking pledge from a child.*—Any person who buys any article from any child apparently under the age of fourteen years, or takes any article as a pawn, pledge or security for any sum of money lent or advanced to such child, shall, unless he proves that he had reason to believe that the article was the property of a person over the age of fourteen years and was offered for sale or as a pawn, pledge or security with the knowledge and consent of the owner, be punishable with fine which may extend to one hundred rupees.

61. *Offences against public convenience, sanitation or decency.*—Any person who in any public street, road, thoroughfare or place of public resort—

- (a) bathes or washes himself or any other person, or any animal or clothing, except in a place set apart for such purpose, or
- (b) obstructs or incommodes any person bathing at any place set apart as a bathing place by wilful intrusion or by washing cattle or dogs at or near such place or in any other way, or
- (c) with intent to provoke or knowing it to be likely that he will thereby provoke a breach of the peace, uses any indecent, threatening, abusive or insulting words, or behaves in a threatening or insulting manner, or posts up or affixes or exhibits any indecent, threatening, abusive or insulting paper or drawing,

shall be punishable with imprisonment which may extend to one month, or with fine which may extend to fifty rupees.

62. *Drunkenness or riotous or indecent behaviour.*—Any person who is found drunk and incapable of taking care of himself, or is guilty of any riotous, violent, disorderly or indecent behaviour in any street or thoroughfare or in any place of public amusement or resort or in any police office or police station, shall be punishable with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both.

63. *Persons permitting disorderly conduct in place of public amusement.*—Any person who, being the keeper of any place of public amusement or entertainment, knowingly permits drunkenness or other disorderly behaviour, or any gaming whatsoever, in such place, or permits prostitutes or persons of notoriously bad character to meet or remain in such place, shall be punishable with fine which may extend to one hundred rupees:

Provided that no game of mere skill shall be deemed to be gaming within the meaning of this section.

64. *Begging and exposure of offensive ailments.*—Any person who in any street or public place begs, or directs or permits children under his control to beg, or applies for alms, or exposes or exhibits with the object of obtaining or extorting alms, any sores, wound, deformity or disease, shall be punishable with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both.

65. *Committing nuisance in street.*—Any person who in or near to any street or public place wilfully and indecently exposes his person, or commits a nuisance by easing himself, or having the care or custody of any child under the age of seven years omits to prevent such child from committing any such nuisance as aforesaid, shall be punishable with fine which may extend to fifty rupees.

66. *Offences against police officers.*—Any person who assaults or resists any police officer in the execution of his duty, or aids or incites any other person so to do, or maliciously and without probable cause prefers any false or frivolous charge against any police officer, shall be punishable with imprisonment which may extend to three months, or with fine which may extend to fifty rupees, or with both.

67. *Return after removal under section 24.*—Any person who, having removed himself from the Station in compliance with a direction made under sub-section (2) of section 24 or having been removed therefrom under sub-section (3) of that section, returns thereto within two years without the permission in writing of the Commissioner shall be punishable with imprisonment which may extend to six months, or with fine, or with both.



68. *Prostitutes, etc., not complying with notice.*—Any person who fails to comply with a notice served upon him under section 28 shall be punishable with imprisonment which may extend—

(a) in the case of a first offence, to one month, and

(b) in the case of a second or any subsequent offence, to three months.

69. *Limitation of actions.*—(1) No prosecution shall be instituted in respect of any offence under this Law after the expiry of three months from the date on which the offence is alleged to have been committed.

(2) No proceedings shall be maintainable in any Civil Court in respect of anything done under the provisions of this Law after the expiry of six months from the date of the doing of such act, and no such proceedings shall be maintainable on account of any act for the doing of which the person doing the same has been prosecuted for an offence under this Law and has been acquitted.

## CHAPTER VI.

### MISCELLANEOUS.

70. *Fee for licences.*—Save as otherwise expressly provided, the Commissioner may levy such fee as the Resident may fix in respect of any licence or permission granted under this Law, but not exceeding twenty rupees in respect of a licence under section 26 and not exceeding two rupees in any other case.

71. *Saving of control of District Magistrate.*—Nothing in this Law shall be deemed to delegate from the general power of control of the District Magistrate in respect of the matters dealt with by this Law.

## THE SCHEDULE.

(See section 15.)

### FORM OF CERTIFICATE OF APPOINTMENT OF POLICE OFFICER.

A B has been appointed a police officer in the Police Force of the Civil and Military Station of Bangalore, and is hereby vested with the powers, duties and privileges of a police officer under the Bangalore Civil and Military Station Police Law, 1927.

[*Gazette of India*, 1927, Pt. I, p. 491.]

### *Bangalore House Accommodation Law, 1927.*

*No. 298-I., dated the 17th May, 1927.*—A Law to make better provision for securing house accommodation for Military Officers in the Civil and Military Station of Bangalore.

Whereas difficulties have frequently been experienced in obtaining house-accommodation for military officers in the Civil and Military Station of Bangalore, and it is expedient to make better provision for that purpose:

Now therefore in exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902,<sup>1</sup> the Governor General in Council is hereby pleased to make the following Law:—

## CHAPTER I.

### PRELIMINARY.

1. *Short title, extent and commencement.*—(1) This Law may be called the Bangalore House Accommodation Law, 1927.

(2) It extends to the Civil and Military Station of Bangalore as defined for the time being by notification under section 4 of the Bangalore Municipal Law, 1897.

(3) It shall come into force at once, but it shall not become operative in any area until the issue, or otherwise than in pursuance of, a notification as hereinafter provided by section 3.

2. *Definition.*—(1) In this law, unless there is anything repugnant in the subject or context—

- (a) “Officer Commanding” means the Officer for the time being in command of the troops in the Civil and Military Station of Bangalore;
- (b) “District Magistrate” means the District Magistrate of the Station;
- (c) “house” means a house suitable for occupation by a military officer or a military mess, and includes the land and buildings appurtenant to a house;
- (d) “military officer” means a commissioned or warrant officer of His Majesty’s military or air forces on military or air-force duty in the Station, and includes a Chaplain on duty with troops in the Station and any person in Army departmental employment whom the Officer Commanding may at any time, by an order in writing, place on the same footing as a military officer for the purposes of this law;
- (e) “owner” includes the person who is receiving, or is entitled to receive, the rent of a house, whether on his own account or on behalf of himself and others or as an agent or trustee, or who would so receive the rent, or be entitled to receive it, if the house were let to a tenant;
- (f) “Resident” means the Resident in Mysore;

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<sup>1</sup> Printed in Appendix I.

- (g) " Station " means the Civil and Military Station of Bangalore as defined for the time being by notification under section 4 of the Bangalore Municipal Law, 1897; and
- (h) a house is said to be in a state of reasonable repair when—
- (i) all floors, walls, pillars and arches are sound and all roofs sound and water-tight,
  - (ii) all doors and windows are intact, properly painted or oiled, and provided with proper locks or bolts or other secure fastenings, and
  - (iii) all rooms, out-houses and other appurtenant buildings are properly colour-washed or white-washed.
- (2) If any question arises whether any land or building is appurtenant to a house, it shall be decided by the District Magistrate whose decision thereon shall subject to revision by the Resident, be final.

## CHAPTER II.

### APPLICATION OF LAW.

3. *Area in which Law to be operative.*—(1) The Resident, with the previous sanction of the Governor General in Council, may, by notification in the Mysore Residency Orders, declare this Law to be operative in any area or areas included in the Station.

(2) Before issuing a notification under sub-section (1) in respect of any area, the Resident shall cause local inquiry to be made with a view to determining whether it is expedient to issue such notification, and what portion (if any) of the area proposed to be included therein should be excluded therefrom.

4. *Saving of written instruments.*—Nothing in this law shall affect the provisions of any written instrument executed by or on behalf of the East India Company or the Government, unless the other party entitled and the Secretary of State for India in Council consent in writing to be bound by the terms of this Law.

## CHAPTER III.

### APPROPRIATION OF HOUSES.

5. *Liability of houses to appropriation.*—Every house situate in any area in respect of which a notification under sub-section (1) of section 3 is for the time being in force shall be liable to appropriation by the Government on a lease in the manner and subject to the conditions hereinafter provided.

6. *Inspection of house required for occupation by the military.*—(1) Where the Officer Commanding considers that the liability imposed by section 5 should be enforced in respect of any house, he shall apply to

the District Magistrate to serve a notice on the owner of the house requiring him to permit the house to be inspected, measured and surveyed by such person and on such day, not being less than three days from the service of the notice, and at such time as may be specified in the notice.

(2) On the day and at the time so specified, the owner shall be bound to afford all reasonable facilities to the person specified in the notice for the purpose of the inspection, measurement and survey of the house, and, if he refuses or neglects to do so, the said person may, subject to rules made under this Law, enter on the premises and do all such things as may be reasonably necessary for the said purpose.

7. *Procedure for taking house on lease.*—(1) If, on the report of such person as aforesaid, the Officer Commanding is satisfied that the house is suitable for occupation by a military officer or a military mess, he may make a report thereof to the Resident, who may thereupon direct the District Magistrate to issue a notice or notices—

- (a) requiring the owner to execute a lease of the house to the Government for a specified period which shall not be less than five years;
- (b) requiring the existing occupier, if any, to vacate the house; and
- (c) requiring the owner to execute within such time as may be specified in the notice such repairs as may, in the opinion of the Resident, after consulting the Officer Commanding and the District Magistrate, be necessary for the purpose of putting the house into a state of reasonable repair.

(2) Every notice issued under sub-section (1) shall state the amount of the annual rent proposed as reasonable for the house, calculated on the assumption that the owner will carry out the required repairs, if any. It shall also contain an estimate of the cost of such repairs.

(3) The following shall be deemed to be conditions of every lease executed under sub-section (1), namely:—

- (a) that the house shall, on the expiration of the lease, be re-delivered to the owner in a state of reasonable repair, and
- (b) that the grounds and the garden, if any, appertaining to the house shall be maintained in the condition in which they are at the time at which the lease is executed.

8. *Procedure to be observed before taking a house on lease.*—The Resident shall not direct the issue of any notice under section 7 unless he is satisfied—

- (i) that the house in respect of which it is proposed to issue the notice is suitable for occupation by a military officer or a military mess, and

- (ii) that there is not in the station, or, if this law is in force in a part only of the station, then in that part thereof, a sufficient number of houses already available at a reasonable rent and suitable for occupation by military officers or military messes whose accommodation in the station, or a part thereof as the case may be, is in his opinion necessary or expedient.

9. If for any reason the Resident is of opinion that it is undesirable or impracticable to enforce in respect of a house specified by the Officer Commanding, the liability imposed by section 5, he may direct the District Magistrate to select another house with the concurrence of the Officer Commanding; and the provisions of sections 6, 7 and 8 shall apply to any house so selected.

10. *Sanction to be obtained before a house is occupied as a hospital, etc.*—No house in any part of the Station in which this Law is operative shall, unless it was so occupied at the date of the issue of the notification declaring this Law to be operative, be occupied for the purposes of a hospital, school, school hostel, bank, hotel or shop, or by a railway administration, a company or firm engaged in trade or business or a club, without the previous sanction of the Resident.

11. *Houses not to be appropriated in certain cases.*—No notice shall be issued under section 7 if the house—

- (a) was, at the date of the issue of the notification declaring this Law to be operative in the station or part of the station, or is with such sanction as is required by section 10, occupied as a hospital, school, school hostel, bank, hotel or shop, and has been so occupied continuously during the three years immediately preceding the time when the occasion for issuing the notice arises, or
- (b) was, at the date of such a notification as is referred to in clause (a), or is, with such sanction as aforesaid, occupied by a railway administration or by a company or firm engaged in trade or business or by a club, or
- (c) is in the occupation of the owner as his personal residence and has been so continuously for the preceding period of one year, or
- (d) has already been appropriated by the Resident or by the Governor General in Council, for use as a public office or for any other purpose.

12. *Time to be allowed for giving possession of house.*—(1) If a house is unoccupied, a notice issued under section 7 may require the owner to give possession of the same to the District Magistrate within twenty-one days from the service of the notice.

(2) If a house is occupied, a notice issued under section 7 shall not require its vacation in less than thirty days from the service of the notice.

(3) Where a notice has been issued under section 7 and the house has been vacated in pursuance thereof, the lease shall be deemed to have commenced on the date on which the house was so vacated.

13. *Surrender of house when to be enforced*.—If the owner fails to give possession of a house to the District Magistrate in pursuance of a notice issued under section 7, or if the existing occupier fails to vacate a house in pursuance of such a notice, the District Magistrate, by himself or by another person generally or specially authorised by him in this behalf, shall enter on the premises and enforce the surrender of the house.

14. *Provision where house is held on long lease by a tenant*.—(1) If a house, in respect of which a notice is issued under section 7, is occupied by a tenant holding in good faith and for valuable consideration under a registered lease for any term exceeding one year, the Secretary of State for India in Council shall, for the term of one year from the date on which the house is vacated in pursuance of the notice, or for the unexpired term of the lease whichever is the shorter, be liable to the owner for the rent fixed by the registered lease instead of for the rent payable under this law if the rent so fixed exceeds the rent so payable.

(2) If a house, in respect of which a notice is issued under section 7, is occupied by a tenant holding in good faith and for valuable consideration under a registered lease from year to year, the Secretary of State for India in Council shall be liable as aforesaid for the term of six months from the date on which the house is vacated in pursuance of the notice.

(3) Nothing in this section shall be deemed—

(a) to render the said Secretary of State in Council so liable unless an application in writing in this behalf is made by the owner to the District Magistrate within fifteen days from the service of the notice; or

(b) to limit or otherwise affect any agreement between the said Secretary of State in Council and the owner.

15. *Power for owner to require reference to arbitration on question of rent*.—(1) If the owner considers that the rent stated in a notice issued under section 7 is not reasonable, he may, within a period of fifteen days from the service of such notice, require that the matter be referred by the District Magistrate to a Committee of Arbitration: such a requisition, however, will not operate to suspend the surrender enforceable under section 13.

(2) If the owner does not make such a requisition within the said period, he shall be deemed to have accepted the rent so offered.

16. *Power for owner to require reference to arbitration on question of repairs.*—(1) If the owner fails to execute any repairs to a house as required by a notice issued to him under section 7, the District Magistrate may by notice require the owner to execute the repairs within such period, not being less than fifteen days, as may be specified in the notice.

(2) If the owner objects to any requisition contained in a notice issued under sub-section (1), he may, within fifteen days from the service of the notice, require that the matter be referred by the District Magistrate to a Committee of Arbitration.

17. *Power to have repairs executed and recover cost.*—Where—

- (a) the owner fails to comply with a notice issued under sub-section (1) of section 16 and has not, within fifteen days from the service of such notice, required that the matter be referred to a Committee of Arbitration, or
- (b) a Committee of Arbitration decides that repairs are necessary and the extent to which they are necessary, and specifies the period within which they are to be executed, and the owner fails to execute them within such period, and has not within one month from the date of the decision appealed therefrom to the Court of the Resident as hereinafter provided, or
- (c) the owner fails to execute within such period as may be specified by the Court hearing such appeal such repairs as the Court may decide to be necessary,

the Military Engineer Services or the Public Works Department shall, on the application of the District Magistrate, cause the repairs specified in the notice or, if the matter has been referred to a Committee of Arbitration, in the decision of the Committee or the Court, as the case may be, to be executed at the expense of the Government, and the cost thereof may be deducted from the rent payable to the owner.

18. *Notice to be given of devolution of interest in house.*—Every person on whom devolves, by transfer, by succession or by operation of law, the interest of an owner in any house, or in any part of any house, situate in any area in respect of which a notification under sub-section (1) of section 3 is for the time being in force, shall be bound to give notice of the fact to the District Magistrate within one month from the date of such devolution, and, if he, without reasonable cause, fails to do so, he shall be punishable with fine which may extend to fifty rupees.

## CHAPTER IV.

### COMMITTEES OF ARBITRATION.

19. *Convening of Committees of Arbitration on requisition of owners.*  
—Where a requisition is made to the District Magistrate by an owner under section 15 or section 16 the District Magistrate shall forthwith proceed to convene a Committee of Arbitration—

- (a) to determine the amount of the rent to be paid, or
- (b) to determine whether any, and (if any) what, repairs are necessary, the extent to which they are necessary, and the period within which they are to be executed, or
- (c) otherwise to determine the question in dispute.

20. *Procedure for convening Committees of Arbitration generally.*—  
(1) Where a Committee of Arbitration is to be convened, the District Magistrate shall forthwith cause an order to be published in the Mysore Residency Orders stating the matter to be determined.

(2) The District Magistrate shall forthwith send a copy of such order to the Officer Commanding and to the parties concerned, and, as soon as may be, shall by notice call upon the owner concerned to make, and shall himself make, nominations in accordance with the provisions of sections 21 and 22.

21. *Constitution of Committee of Arbitration.*—(1) Every Committee of Arbitration shall consist of five members, namely:—

- (a) one member nominated by the District Magistrate and another by the Officer Commanding, one of whom shall, if possible, be an officer of the Military Engineer Services or of the Public Works Department;
- (b) two members nominated by the owner concerned, who shall be persons liable to pay taxes in the station and ordinarily resident therein or in the immediate vicinity thereof; and
- (c) a chairman who shall be a person not in the service of the Government and not having any interest in house property in the station, which has been appropriated or is liable to appropriation under this Act, and who shall be nominated by the Resident.

(2) If the Officer Commanding or the owner concerned fails without reasonable cause to nominate, within seven days from the date on which the owner has been called upon to make nominations under section 20, any member whom he is entitled to nominate under sub-section (1) or if any member who has been nominated neglects or refuses to act and the person by whom such member was nominated fails to nominate



another member in his place within seven days from the date on which he may be called upon to do so by the District Magistrate, the District Magistrate shall forthwith appoint a member or members to fill the vacancy or vacancies.

22. *Members of Committees of Arbitration to be persons who have no direct interest and whose services are immediately available.*—(1) No person who has a direct interest in the matter under reference or whose services are not immediately available for the purposes of the Committee shall be nominated a member of a Committee of Arbitration.

(2) If, in the opinion of the District Magistrate, any person who has been nominated has a direct interest in the matter under reference, or is otherwise disqualified for nomination, or if the services of any such person are not immediately available as aforesaid, and if the person by whom any such person was nominated fails to nominate another member within seven days from the date on which he may be called upon to do so by the District Magistrate, such failure shall be deemed to constitute a failure to make a nomination within the meaning of section 21.

23. *Meetings and powers of Committees of Arbitration.*—(1) When a Committee of Arbitration has been duly constituted, the District Magistrate shall by notice inform each of the members of the fact, and the Committee shall meet as soon as may be thereafter.

(2) The Committee shall receive and record evidence and shall have power to administer oaths to witnesses, and the District Magistrate, on requisition in writing signed by the Chairman of the Committee, shall issue the necessary processes for the attendance of witnesses and the production of documents required by the Committee, and may enforce the said processes as if they were processes for attendance or production before himself.

24. *Powers of Chairman of Committee of Arbitration as to meetings.*—The Chairman of the Committee of Arbitration shall fix the time and place of meeting, and shall have power to adjourn the meeting from time to time as may be necessary.

25. *Calculation of rent by Committees of Arbitration.*—In determining the amount of rent to be paid for a house, the Committee of Arbitration shall estimate the market value of the house at the date on which the notice was served on the owner under section 7, and shall fix the annual rent at such percentage on that value as is for the time being recoverable by way of annual rent on the market-value of similar houses in the neighbourhood:

Provided that the due allowance shall be made in respect of the cost to the lessee of maintaining the house in a state of reasonable repair during the period of the lease.

26. *Decisions of Committees of Arbitration.*—(1) The decision of every Committee of Arbitration shall be in accordance with the majority of votes taken at a meeting at which the chairman and at least three of the other members are present.

(2) If there is not a majority of votes in favour of any proposed decision, the opinion of the chairman shall prevail.

(3) Save as provided in this Law, the decision of a Committee of Arbitration shall be final and shall not be questioned in any Court.

## CHAPTER V.

### APPEALS. †

27. *Appeal to the Court of the Resident.*—(1) If the Officer Commanding or the owner of a house in respect of which any matter has been referred to a Committee of Arbitration, is dissatisfied with any decision of the Committee of Arbitration, he may, within one month from the date of such decision, appeal to the Court of the Resident and the decision of such Court shall be final.

(2) The Court hearing an appeal under this section shall, so far as may be, follow the same procedure and have the same powers as it follows and has when hearing an appeal under the Code of Civil Procedure, 1908.

28. *Application for cancellation of decision to appropriate a house.*—(1) The owner or any tenant of a house in respect of which a notice has been issued under section 7 may apply to the Resident that the decision to appropriate the house may be cancelled for reasons stated.

(2) No such application shall be admitted unless made within a period of twenty-one days from the service of the notice aforesaid, and such period shall be computed in accordance with the provisions of the Indian Limitation Act, 1908, with respect to the computation of periods of limitation thereunder.

29. *Application to be accompanied by copy of notice.*—(1) Every application under section 28 shall be in writing and accompanied by a copy of the notice issued under section 7.

30. *Order on application final.*—The decision of the Resident on any such application shall be final, and shall not be questioned in any Court otherwise than on the ground that the house is suitable in an area in which this Act is not operative:

Provided that no application shall be decided until the applicant has been heard or has had a reasonable opportunity of being heard in person or through a legal practitioner.

31. *Suspension of action pending application.*—Where an application has been presented under section 28 within the period prescribed by

sub-section (2) of that section, all action on the notice shall, on the application of the appellant, be held in abeyance pending the decision of the application.

## CHAPTER VI.

### SUPPLEMENTAL PROVISIONS.

32. *Service of notice and requisitions.*—Every notice or requisition prescribed by this Law shall be in writing, signed by the person by whom it is given or made or by his duly appointed agent, and may be served by registered post on the person to whom it is addressed, or on his duly appointed agent.

33. *Power of Governor General in Council to make rules.*—(1) The Governor General in Council may make rules<sup>1</sup> to carry out the purposes and objects of this law.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

- (a) regulate the procedure of Committees of Arbitration; and
- (b) define the powers of entry, inspection, measurement or survey which may be exercised in carrying out the purposes and objects of this law or of any rule made thereunder.

34. *Further provisions respecting rules.*—(1) The power to make rules under section 33 shall be subject to the condition of the rules being made after previous publication and of their not taking effect until they have been published in the Gazette of India and in such other manner (if any) as the Governor General in Council may direct.

(2) A copy of the rules under section 33 for the time being in force in the station shall be kept open to inspection free of charge at all reasonable times in the Office of the Officer Commanding and in the Office of the District Magistrate.

(3) In making any rule under clause (b) of sub-section (2) of section 33, the Governor General in Council may direct that whoever obstructs any person, not being a public servant within the meaning of section 21 of the Indian Penal Code, in making any entry, inspection, measurement or survey, shall be punishable with fine which may extend to fifty rupees, and, in the case of a continuing offence, with fine which, in addition to such fine as aforesaid, may extend to five rupees for every day after the first during which such offence continues.

35. *Inapplicability of section 556 of the Code of Criminal Procedure, 1898, to trials of offences.*—No Judge or Magistrate shall be deemed, within the meaning of section 556 of the Code of Criminal Procedure, V of 1898. 1898, to be a party to, or personally interested in, any prosecution for

<sup>1</sup> See the Bangalore House Accommodation Rules, 1927. Printed *infra*, p. 848.

an offence constituted by or under this law merely because he has ordered or approved the prosecution.

36. *Protection to persons acting under law.*—No suit or other legal proceeding shall lie against any person for anything in good faith done, or intended to be done, under this law or in pursuance of any lawful notice or order issued under this law.

[*Gazette of India*, 1927, Pt. I, p. 515.]

## VII.—Orders relating to Courts.

### CRIMINAL.

*British Courts beyond the limits of British India empowered to send warrants for the execution of capital sentences to officers in charge of prisons in British India.*

No. 1431-I., dated the 27th April, 1893.—Printed in Appendix XIX.

*Criminal law and procedure of British India applicable to British subjects in Indian States.*

No. 1863-I, A., dated the 13th May, 1904.—Printed in Appendix IV.

*Jurisdiction of the High Court at Madras over European British subjects in Mysore including the Civil and Military Station of Bangalore.*

No. 580-D., dated the 26th January, 1917.—Printed in Appendix IV.

*Justices of the Peace to commit for trial to the High Court having Jurisdiction.*

No. 582-D., dated the 26th January, 1917.—Printed in Appendix IV.

(a) *Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests, (b) Powers of District Magistrate, Bangalore, in regard to European British subjects.*

No. 319-D., dated the 16th January, 1917.—Printed in Appendix IV.

*Appointments of Justices of the Peace for Mysore including the Civil and Military Station of Bangalore.*

No. 159-I. J., dated the 21st July, 1881. }

No. 12-I., dated the 3rd January, 1884. }

No. 955-I., dated the 18th March, 1884. }

—Printed *supra*, pages  
33 and 34.

### High Court.

No. 733-D., dated the 19th March, 1913.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902 and of all other powers enabling him in that behalf, the Governor General in Council is pleased to direct, in supersession of all previous notifications to that effect, that for the purposes of criminal jurisdiction within the Civil and Military Station of Bangalore the Resident in Mysore shall

exercise the powers of a High Court as defined in the Code of Criminal Procedure, 1898, except in proceedings against European British subjects or persons jointly charged with European British subjects.

[*Gazette of India*, 1913, Pt. I, p. 257.]

*Court of Session and Sessions Judge.*

*No. 51, dated the 27th November, 1920.*—In exercise of the powers conferred by sections 7 and 9 of the Code of Criminal Procedure, 1898 (Act V of 1898), as applied to the Civil and Military Station of Bangalore, and in supersession of his Notification No. 5821, dated the 31st October, 1898, the Resident in Mysore is pleased to issue the following Notification.

For the purposes of the said Code the Civil and Military Station of Bangalore is declared to be a Sessions Division. There shall be a Court of Session for such division, and the District Judge of the Civil and Military Station of Bangalore for the time being shall be the Judge of such Court.

[Not published.]

*Appointment and powers of Bench Magistrates.*

*No. 62, dated the 22nd June, 1926.*—This notification supersedes Notifications No. 3647-350-90, dated the 3rd November, 1890, as subsequently amended and No. 100, dated the 10th November, 1925.

Under section 14 of the Code of Criminal Procedure, 1898 (V of 1898), as applied to the Civil and Military Station of Bangalore, the under-mentioned gentlemen have been appointed to be Special Magistrates for the Civil and Military Station of Bangalore.

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2. These Magistrates shall sit as a Bench with the powers of a Magistrate of the Second Class to try all offences under the Indian Penal Code which such a Magistrate can try, offences against the Municipal Law and Bye-Laws, offences falling under <sup>1</sup>[sections 61, 62, 64 and 65 of the Bangalore Civil and Military Station Police Law, 1927], offences under Act XIII of 1880 (The Vaccination Act), offences under the Hackney Carriage Act, XIV of 1879, offences under the Prevention of Cruelty to Animals Act, XI of 1890, and offences under the Indian Motor Vehicles Act, VIII of 1914, and the Rules framed thereunder by the Municipal Commission.

3. Under the provisions of section 261 of the Code of Criminal Procedure, the said Bench is invested with power to try summarily all or any of the offences described in that section.

<sup>1</sup> Substituted by Notification No. 66, dated the 12th July, 1927. *Mysore Residency Orders*, 1927, Pt. I, p. 27.

4. Under the provisions of section 190 of the Code of Criminal Procedure, the said Bench is empowered to take cognizance, under clauses (a) and (b) of sub-section (1) thereof, of offences against the Municipal Law and Bye-Laws, offences against 'sections 61, 62, 64 and 65 of the Bangalore Civil and Military Station Police Law, 1927', offences under Act, XIII of 1880 (The Vaccination Act), offences under the Hackney Carriage Act, XIV of 1879, offences under the Prevention of Cruelty to Animals Act, XI of 1890, and offences under the Indian Motor Vehicles Act, VIII of 1914, and the Rules framed thereunder by the Municipal Commission.

5. Under the provisions of section 265 of the said Code, the said Bench is further empowered to prepare the record of cases tried summarily by them by means of any clerk who may be deputed by the District Magistrate to perform such duty.

[*Mysore Residency Orders*, 1926, Pt. I, p. 6.]

*Term of office of Bench of Magistrates.*

No. 4981, dated the 13th September, 1899.—Under the provisions of section 14, sub-section (2) of the Code of Criminal Procedure (Act V of 1898), as applied to the Civil and Military Station of Bangalore, the Officiating Resident is pleased to direct—

- (1) that the term of office of the present Special Magistrates constituting the Bench for the said Station shall terminate at the end of the current calendar year, and
- (2) that in future the appointments of such Magistrates shall cease on the expiry of five years from the date on which the appointments are made.

[*Gazette of India*, 1899, Pt. II, p. 1065.]

*Procedure of Bench of Magistrates.*

No. 2972-3509, dated the 9th September, 1890.—Under section 16 of the Code of Criminal Procedure and in supersession of Notification No. 3208-3838, dated the 24th September, 1888, the Resident in Mysore issues the following rules for the guidance of the Bench of Magistrates constituted under Notification<sup>2</sup> No. 2971-3509, dated the 9th September, 1890.

1. The Bench shall sit on three days in the week, viz., on Monday, Wednesday and Friday at such time as the District Magistrate may fix. The sitting shall be held in such public place as the District Magistrate may appoint.

<sup>1</sup> Substituted by Notification No. 66, dated the 12th July, 1927. *Mysore Residency Orders*, 1927, Pt. I, p. 27.

<sup>2</sup> See now Notification No. 62, dated the 22nd June, 1926. Printed *supra*, p. 204.

2. The following special Magistrates

shall be the Chairmen of the Bench, and each Chairman shall preside in rotation at the Bench meetings. The Bench shall not consist of more than four members (including the Chairman) at a time and the Chairman with one other Special Magistrate shall form the quorum. The special Magistrates will sit in the rotation arranged by the District Magistrate.

3. The Bench may hold one or more adjourned sittings if this be found necessary for the disposal of business or part-heard cases. Provided that if any case is adjourned and the members at the adjourned sessions are not the same as sat at the first hearing of the case, the provisions of section 350 of the Criminal Procedure Code will be held to apply to the case.

4. The Chairman shall conduct the proceedings of the Court and shall exercise all the functions in that behalf usually exercised by a Magistrate when sitting alone. He shall decide upon the admissibility of evidence and maintain order in the Court, but it shall be open to any member of the Bench to put any question to the parties or witnesses either direct or through the Chairman, as the latter may deem advisable, and to suggest any matter for the Chairman's consideration.

5. In the trial of ordinary cases the Chairman shall generally record the evidence and judgment, but such duty may, with his consent, be performed by any one of his colleagues.

In the trial of summary cases, where the Bench has been invested with summary powers, the necessary record shall be prepared by the Chairman or one of his colleagues, or by means of the Clerk of the Court, but in every case the record must be signed by each member of the Bench who is present.

6. Each member of the Bench shall have a voice in the finding and sentence, which shall be signed by the Chairman and by the members present.

In regard to the finding, when the number of members is uneven, the opinion of the majority shall prevail; when the number is even, and the members are equally divided, the accused shall get the benefit of the doubt.

In regard to the sentence, the opinion of the majority shall prevail; when the members are equally divided, the Chairman shall have the casting vote; when the opinions of members are all different (as in a full Bench of three members), the opinion of the Chairman shall prevail.

[Provided that the Bench shall have power to refer for the opinion of the District Magistrate any point of law arising in any case pending.



before it, and that, upon receipt of such a reference, the District Magistrate shall certify his opinion to the Bench, which shall thereupon dispose of the case in conformity with the said opinion.]<sup>1</sup>

7. The District Magistrate may make over to the Bench for trial such cases, as he thinks fit, in which the accused persons are charged with offences under the Indian Penal Code.

8. No Bench shall take cognizance of any offence committed by any European British subject or Government officials other than menial servants. Any such case shall be forwarded to the District Magistrate for disposal.

[*Gazette of India*, 1890, Pt. II, p. 576.]

*English to be the language of the Bench of Magistrates.*

No. 3664—3838, dated the 2nd November, 1888.—Under the provisions of section 556, Criminal Procedure Code,<sup>2</sup> the Resident in Mysore is pleased to declare English to be the language of the Court of the Bench of Special (Honorary) Magistrates appointed by Notification<sup>3</sup> No. 3207—3838, dated the 24th September, 1888.

[*Gazette of India*, 1888, Pt. II, p. 517.]

*Legal Practitioners Rules.*

No. 2113-I. A., dated the 14th May, 1900.—Printed *supra*, p. 160.

No. 12, dated the 6th February, 1901.—Printed *infra*, p. 834.

*Mode of inflicting whipping.*

No. 60, dated the 26th August, 1909.—Under section 392 of the Criminal Procedure Code, Act V of 1898, as in force in the Civil and Military Station of Bangalore, the Resident is pleased to direct that the punishment of whipping, in the case of a person of, or over, 16 years of age, shall be inflicted on the posteriors with a light rattan not less than half an inch in diameter, and that care shall be taken that the person undergoing the punishment is tied up to a triangle or that his immobility under punishment is otherwise secured, in order to preclude the possibility of the rattan falling on any other part of the body.

In the case of a person under 16 years of age, the punishment shall be inflicted on the posteriors with a lighter rattan, which should be about  $\frac{3}{4}$ th inch thick and not exceed  $\frac{1}{2}$  inch in diameter, the person undergoing the punishment being so secured as to preclude the possibility of the rattan falling on any other part of the body.

2. Judicial floggings shall be inflicted in private, either at a jail or in an enclosure near the court house.

<sup>1</sup> Inserted by Notification No. 48, dated the 4th September, 1911.

<sup>2</sup> See now the Code of Criminal Procedure, 1898, as applied, *supra*, p. 39.

<sup>3</sup> See now Notification No. 62, dated the 22nd June, 1926. Printed *supra*, p. 204.

Whenever it is possible to do so, Magistrates shall secure the presence of a Medical Officer at the flogging.

The practice shall invariably be adopted of spreading, over the prisoner's buttocks, during the operation, a thin cloth soaked in an antiseptic. This antiseptic may be either a solution of perchloride of mercury of the strength of 1 in 2000 (one in two thousand) or a carbolic lotion of the strength of 1 in 40 (one in forty).

*Officer to examine accused persons believed to be of unsound mind.*

No. 1661—34286, dated the 11th May, 1894.—The Superintendent of the Lunatic Asylum at Bangalore is, with the consent of the Government of Mysore, appointed to be the Medical officer to whom accused persons should be sent by the Magistrates in the Civil and Military Station of Bangalore under section 464 of the Criminal Procedure Code<sup>1</sup> for examination as to unsoundness of mind.

[*Gazette of India*, 1894, Pt. II, p. 475.]

*Public prosecutor in Municipal cases.*

No. 3030—124-92, dated the 14th September, 1892.—Under section 492 of the Criminal Procedure Code,<sup>1</sup> the Resident in Mysore appoints the Prosecuting Inspector of the Municipality, Civil and Military Station of Bangalore, to be a public prosecutor in the said Station to conduct prosecutions in cases instituted under the Municipal Regulations and Bye-laws.

[*Gazette of India*, 1892, Pt. II, p. 641.]

*Police officers who may not conduct prosecutions.*

No. 1493—7296, dated the 9th May, 1887.—In exercise of the power conferred by section 495 of the Code of Criminal Procedure,<sup>1</sup> 1882, as amended by section 13 of Act X of 1886, the Resident in Mysore is pleased, with the previous sanction of the Governor General in Council, to prescribe the rank of Chief Constable as the rank below which Magistrates enquiring into or trying cases in the Civil and Military Station of Bangalore may not permit Police officers to conduct prosecutions.

[*Gazette of India*, 1887, Pt. II, p. 269.]

*Rules for payment of expenses of complainants and witnesses in the Criminal Courts.*

No. 17, dated the 10th September, 1883.—Under the provisions of section 544 of Act X of 1882 (the Code of Criminal Procedure),<sup>1</sup> the Resident in Mysore, with the sanction of the Government of India, has been pleased to pass the following rules for regulating the payment, on

<sup>1</sup> See now the Code of Criminal Procedure, 1898, as applied. *Supra*, p. 39.

the part of Government, of the expenses of complainants and witnesses attending for the purpose of any enquiry, trial or other proceeding before the Criminal Courts in the Civil and Military Station of Bangalore.

1. The Criminal Courts are authorized to pay at the rate specified in rule III, the expenses of complainants and witnesses in cases in which the prosecution is instituted or carried on by, or under the orders, or with the sanction of, the Government, or of any Judge, Magistrate or other public officer, or when it shall appear to the Judge or Magistrate presiding over such Courts, to be directly in furtherance of the interests of public justice; also in cases entered in column V of Schedule II appended to the Code of Criminal Procedure<sup>1</sup> as not bailable; and in all cases in which the witnesses are compelled to attend by a Magistrate under the provisions of section 540, Chapter XLVI of the Code.

2. For the purposes of these rules, Europeans, East Indians and Natives shall be divided into three classes, and the Judge or Magistrate before whom they are required to appear, either as complainants or witnesses, shall be careful to fix the class with due regard to the station in life occupied by each complainant or witness.

3. Travelling allowance, carriage allowance<sup>2</sup> and batta shall be paid at the rates specified below:—

|   | EUROPEANS AND EAST INDIANS  |                 |                 | NATIVES.        |                 |  |
|---|-----------------------------|-----------------|-----------------|-----------------|-----------------|--|
|   | 1st class.                  | 2nd class.      | 3rd class.      | 1st class.      | 2nd class.      | 3rd class.   |
| Travelling allowance—                               |                             |                 |                 |                 |                 |  |
| By rail . . . . .                                   | 1st class fare.             | 2nd class fare. | 3rd class fare. | 1st class fare. | 2nd class fare. | 3rd class fare.  |
| By road . . . . .                                   | 8 as. per mile.             | 4 as. per mile. | 2 as. per mile. | 6 as. per mile. | 2 as. per mile. | 2 as. per [10 miles or fraction thereof]. <sup>3</sup> |
| By sea or canal . . . .                             | Actual expenses of passage. |                 |                 |                 |                 |  |
| [Carriage allowance for a day of actual attendance. | Rs. 3 per day.              | Rs. 2 per day.  | Rs. 1 per day.  | Rs. 2 per day.  | Rs. 1 per day.  | Nil. <sup>2</sup>                                      |
| Batta not to exceed . . .                           | Rs. 5 per day.              | Rs. 1 per day.  | 8 as. per day.  | Rs. 1 per day.  | 8 as. per day.  | 4 as. per day.   |

4. The distance for which mileage and the number of days for which batta should be allowed for the journey to and from the station at which the Court is held and for attendance at Court, shall be determined by the Judge or Magistrate ordering the payment in each case.

<sup>1</sup> See now the Code of Criminal Procedure, 1898, as applied. *Supra*, p. 39.

<sup>2</sup> Inserted

<sup>3</sup> Substituted } by Notification No. 5423, dated the 10th September, 1910.

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5. All bills for travelling allowance and batta to complainants and witnesses attending before the Courts of the Magistrates of the 2nd or 3rd class shall be scrutinized by the District Magistrate before the charges included in them are finally passed.

6. Whenever a Magistrate dismisses a case as frivolous or vexatious under section 250 of the Code of Criminal Procedure, no travelling allowance or batta shall be granted to the complainant in such case.

<sup>1</sup>[(7) Officials of the Mysore Darbar appearing as witnesses in their official capacity before Courts in the Civil and Military Station of Bangalore may, if such claim be made, be paid their expenses at the rates to which they would be entitled under the Regulations of their own Government.]

[*Gazette of India*, 1883, Pt. II, p. 508.]

*Rules regarding the trial of persons subject to military law by the ordinary Criminal Courts or by Court-martial.*

No. 1294-I. A., dated the 3rd April, 1902.—In exercise of the power conferred by section 549 of the Code of Criminal Procedure, 1898 (Act V of 1898), as applied to the Civil and Military Station of Bangalore, the Governor General in Council is pleased to make the following rules as to cases in which persons subject to military law shall be tried by a Court to which the said Code applies, or by a Court-martial, namely:

1. Where a person subject to military law is brought before a Magistrate and charged with an offence for which he is liable under the Army Act, section 41, to be tried by a Court-martial, such Magistrate shall not proceed to try such person, \* \* \* \*<sup>2</sup> or to inquire with a view to his commitment for trial by the Court of Session or the Court of the Resident in Mysore for any offence triable by such Court, unless—

(a) he is of opinion, for reasons to be recorded, that he should so proceed without being moved thereto by competent military authority, or

(b) he is moved thereto by such authority.

2. Before proceeding under rule 1, clause (a), the Magistrate shall give notice to <sup>3</sup>[the commanding officer of the accused]; and, until the expiry of a period of <sup>4</sup>[five] days from the date of the service of such notice, he shall not—

(a) acquit or convict the accused under sections 243, 245, 247 or 248 of the Code of Criminal Procedure, 1898 (Act V of 1898), or hear him in his defence under section 244; or

<sup>1</sup> Added } by Notification No. 3102-I. A., dated the 25th July, 1902.  
<sup>2</sup> Repealed }  
<sup>3</sup> Substituted } *Gazette of India*, 1902, Pt. I, p. 545.

<sup>4</sup> Substituted by Notification No. 4641-I. B., dated the 7th October, 1903. *Gazette of India*, 1903, Pt. I, p. 591.

(b) frame in writing a charge against the accused under section 234; or

(c) make an order committing the accused for trial by the Resident in Mysore or the Court of Session under section 213 or 214;

\* \* \* \* \*

3. Where within the period of <sup>1</sup>[five] days mentioned in rule 2, or at any time thereafter before the Magistrate has done any act or issued any order referred to in rule 2, clauses (a) to (c) <sup>2</sup>[the commanding officer of the accused] gives notice to the Magistrate that, in the opinion of competent military authority, the accused should be tried by a Court-martial, the Magistrate shall stay proceedings and, if the accused is in his power or under his control, shall deliver him, with the statement prescribed by section 549, to the authority specified in the said section.

4. Where a Magistrate has been moved by competent military authority under rule 1, clause (b), and <sup>2</sup>[the commanding officer of the accused] subsequently gives notice to such Magistrate that in the opinion of such authority, the accused should be tried by a Court-martial, such Magistrate, if he has not before receiving such notice done any act or issued any order referred to in rule 2, clauses (a) to (c), shall stay proceedings and, if the accused is in his power or under his control, shall in the like manner deliver him, with the statement prescribed in section 549, to the authority specified in the said section.

5. Where an accused person, having been delivered by the Magistrate under rule 3 or 4, is not tried by a Court-martial for the offence of which he is accused, or other effectual proceedings are not taken, or ordered to be taken, against him, the Magistrate shall report the circumstance to the Resident at Mysore.

[*Gazette of India*, 1902, Pt. I, p. 260.]

*Disposal of appeals from prisoners in jail.*

No. 8, dated the 6th August, 1906.—Under section 554 (2) (c) of the Code of Criminal Procedure (Act V of 1898), as applied to the Civil and Military Station of Bangalore, the Resident hereby directs that the following rule be observed in the disposal of petitions of appeal from prisoners undergoing sentence in jail:—

No appeal forwarded from jail under section 420 of the Code shall be summarily rejected until seven days have elapsed after its receipt and in forwarding such an appeal, the officer in charge of the jail should invariably certify that the

<sup>1</sup> Substituted by Notification No. 4641-I. B., dated the 7th October, 1908 *Gazette of India*, 1903, Pt. I, p. 891.

<sup>2</sup> Substituted by Notification No. 3102-I. A., dated the 25th July, 1902. *Gazette of India*, 1902, Pt. I, p. 545.

appellant has been informed that, if he intends to appoint a pleader, an appearance must be put in within that time:

Provided that nothing in this rule shall oblige the Appellate Court to wait for the full period of seven days, if the appellant has appeared and been heard in person or by pleader within that period.

[*Gazette of India*, 1906, Pt. II, p. 1060.]

*Submission of returns by Criminal Courts of the Civil and Military Station.*

No. 9, dated the 5th March, 1907.—Not reprinted.

[*Gazette of India*, 1907, Pt. II, p. 434.]

*Forms for registers of criminal cases and appeals.*

No. 10, dated the 15th June, 1908.—Not reprinted.

[*Gazette of India*, 1908, Pt. II, p. 1035.]

*Rules for the disposal of records in Criminal Courts.*

No. 43, dated the 25th July, 1907.—Printed *infra*, p. 830.

*Service in the Civil and Military Station of criminal processes issued by Magistrates in British India.*

<sup>1</sup>No. III, dated the 23rd July, 1878.—All criminal processes of whatever description, when issued by any Magistrate having jurisdiction in any District of British India, shall be acted upon and executed by all Magistrates and Police-officers in the Civil and Military Station of Bangalore under the same conditions and in the same manner as if such processes had been issued by a Magistrate having jurisdiction in the said station.

[*Mysore Gazette*, 1878, Pt. I, p. 196.]

CIVIL.

*Constitution of Civil Courts.*

No. 3541-I. B., dated the 15th November, 1920.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, and in supersession of the notification of the Government of India in the Foreign Department, No. 734-D., dated the 19th March, 1913, the Governor General in Council is pleased to provide as follows for the adminis-

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<sup>1</sup> This notification was kept in force by clause (1) of Notification No. 126-G. P., dated the 28th April, 1881. Printed in footnote 1 on page 57, *supra*.

tration of civil justice within the Civil and Military Station of Bangalore :—

1. There shall be a District Court within the meaning of the Code of Civil Procedure, 1908 (V of 1908), as applied to the said Civil and Military Station, presided over by a District Judge appointed by the Governor General in Council, with jurisdiction extending, subject to provisions contained in the said Code of Civil Procedure, to all original suits and proceedings of a civil nature.

2. There shall also be a Court of District Munsiff, subordinate to the District Court, presided over by a District Munsiff to be appointed by the Resident in Mysore, with jurisdiction extending to all like suits and proceedings, not otherwise exempted from its cognizance, of which the amount or value of the subject matter does not exceed '[three thousand] rupees.

3. Where the subject matter of any suit or proceeding is land, a house or a garden, its value shall, for purposes of jurisdiction, be computed in manner provided by paragraphs v, vi and ix and clause (d) of paragraph x, section 7 of the Court Fees Act, 1870 (VII of 1870), as applied to the said Civil and Military Station.

4. Appeals from the decrees and orders of the District Court shall, when such appeals are allowed by law, lie to the Resident in Mysore, who shall exercise the powers of a High Court for all purposes whatsoever connected with the administration of civil justice within the said Civil and Military Station.

5. Appeals from the decrees and orders of the Court of District Munsiff shall, when such appeals are allowed by law, lie to the District Court.

6. The District Judge of the said Civil and Military Station is invested with the jurisdiction of a Court of Small Causes for the trial of suits cognizable by such court under the Provincial Small Cause Courts Act, 1887 (IX of 1887), as applied to the said Civil and Military Station, up to any amount not exceeding five hundred rupees.

The Resident in Mysore may, by notification in the local official Gazette, invest the District Munsiff by name with the same jurisdiction up to any amount not exceeding one hundred rupees, and may vary or cancel any such notification.

7. Any suit or proceeding pending on the file of the District Court on the date of this notification and triable by the Court of the District Munsiff under the jurisdiction now conferred may, under the orders of the District Judge, be transferred to such court for disposal according to law.

[*Gazette of India*, 1920, Pt. I, p. 2135.]

<sup>1</sup> Substituted by Notification No. 432-I., dated the 13th September, 1926. *Gazette of India*, 1926, Pt. I, p. 1033.

*Small Cause Court.*

No. 18, dated the 26th March, 1913.—In exercise of the powers conferred by sections 5 and 6 of the Provincial Small Cause Courts Act, 1887 (IX of 1887), as applied to the Civil and Military Station of Bangalore, and with the previous sanction of the Governor General in Council, the Resident in Mysore is pleased:—

- (a) to establish a Court of Small Causes in the said Civil and Military Station;
- (b) to direct that the local limits of the jurisdiction of the said Court shall be the limits for the time being of the said Station, and
- (c) to appoint as Judge of the said Court, the officer for the time being holding the appointment of District Judge in the said Station.

[*Gazette of India*, 1913, Pt. II, p. 671.]

*Legal Practitioners Rules.*

No. 2113-I. A., dated the 14th May, 1900.—Printed *supra*, p. 160.

No. 12, dated the 6th February, 1901.—Printed *infra*, p. 834.

*Restrictions on the arrest of telegraph employés in the execution of decrees.*

No. 62, dated the 9th July, 1910.—In exercise of the power conferred by sub-section (2) of section 55 of the Code of Civil Procedure, 1908 (Act No. V of 1908), as applied to the Civil and Military Station of Bangalore, the Resident in Mysore is pleased to direct that before a warrant is issued by the District Court of the said Civil and Military Station for the arrest of a person in the employment of the Telegraph Department, seven clear days' notice shall be given to the Superintendent of Telegraphs, Bangalore Division.

[*Gazette of India*, 1910, Pt. II, p. 1059.]

*Exercise of powers of Advocate General in suits relating to public charities.*

No. 1619-1959, dated the 15th May, 1889.—Under the provisions of section 539 of the Code of Civil Procedure the Resident in Mysore is pleased to appoint the Collector of the Civil and Military Station of Bangalore to be the officer to exercise the powers conferred by that section on the Advocate General.

[*Gazette of India*, 1889, Pt. II, p. 294.]

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<sup>1</sup> See now sections 92 and 93 of the Code of Civil Procedure, 1908 (V of 1908), as applied. *Supra*, p. 39.



*Notice to be given by Courts to the District Magistrate of guns and other arms sold in execution of decrees.*

No. 1, dated the 5th October, 1901.—Under sections 287 and 652 of the Code of Civil Procedure as applied to the Civil and Military Station of Bangalore, the Honourable the Resident has made the following rule:—

Whenever guns or other arms in respect of which licenses have to be taken by purchasers under the Indian Arms Act, XI of 1878, are sold by public auction in execution of decrees, the Court directing the sale shall give due notice to the District Magistrate of the names and addresses of the purchasers and of the time and place of the intended delivery to the purchasers of such arms, so that proper steps may be taken by the police to enforce the requirements of the Indian Arms Act.

[*Gazette of India*, 1900, Pt. II, p. 1156.]

*Procedure of Civil Courts in the attachment of pay in the execution of decrees.*

No. 3, dated the 10th January, 1901.—With a view to simplifying the present procedure in regard to the recovery of decree debts by the attachment of a moiety of the pay of military and other public officers, the Hon'ble the Resident is pleased to make and issue the following rules, under section 652 of the Code of Civil Procedure (Act XIV of 1882), for regulating the practice of the Subordinate Courts in the Civil and Military Station of Bangalore.

1. If the amount attached be not paid into Court by the disbursing officer within a reasonable time after the pay shall have become due to the judgment-debtor, the Court shall, of its own motion and without requiring the judgment-creditor to make a formal stamped application for that purpose write to the disbursing officer asking him to forward the amount to Court.

2. The amount attached shall be received when sent by the disbursing officer without further formalities, and no stamped application asking the Court to receive it shall be required.

[*Gazette of India*, 1901, Pt. II, p. 75.]

*Officers to whom orders of attachment of salary or allowances of Civil and Military officers are to be sent.*

No. 31, dated the 23rd March, 1910.—In pursuance of Order XXI, rule 48, sub-rule (1), of the rules in the First Schedule to the Code of Civil Procedure, 1908 (V of 1908), as in force in the Civil and Military Station of Bangalore, the Hon'ble the Resident in Mysore is pleased

<sup>1</sup> See now section 125 of the Code of Civil Procedure, 1908 (V of 1908), as applied. *Supra*, p. 39.

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to direct that notices of orders attaching the salary or allowances of the undermentioned officers in the Civil and Military Station of Bangalore shall be sent to the officer respectively specified against them—

Officers whose pay or allowances are attached.      Officer to whom notice shall be given.

- |  |  |
|--|--|
| (1) Military officers in military employ serving in the Civil and Military Station of Bangalore. | Deputy Controller of Military Accounts of 9th (Secunderabad) Division. |
| (2) Non-gazetted Civil officers under the Mysore Residency.                                      | Head of the Office in which the officer concerned is serving.          |
| (3) Gazetted officers, both Civil and Military, in civil employ under the Mysore Residency.      | Accountant-General, Madras.  |

[*Gazette of India*, 1910, Pt. II, p. 515.]

*Rules for the payment of suitors' money into and out of Civil Courts.*

No. 2, dated the 1st January, 1927.—Under the provisions of Part X of the Code of Civil Procedure, 1908, and with the previous sanction of the Local Government, the Hon'ble the Resident in Mysore is pleased to introduce the following rules to regulate the payment of suitors' money into and out of the Civil Courts in the Civil and Military Station of Bangalore.

*Rules.*

1. These rules will come into force from the 1st January, 1927.
2. The register prescribed in rule 11 will be opened with the items outstanding in the treasury register on the date fixed under rule 1. An account-particular of these items will be furnished by the Pay and Accounts Officer early on that day.
3. A person desirous of paying money into Court must obtain from the Court for presentation with the money to the Bank, a challan for the receipt of the amount by the Bank specifying the date on which it is issued, the amount to be received by the Bank and the account to which the payment is to be credited.
4. The challan must bear a serial number and be accompanied by a counterfoil receipt, which must be filled in at the Court, except as to the date of payment into the Bank and the signature of the Bank Agent.
5. The form of challan shall be as follows:—

| ORDER FOR LODGMENT IN BANK.                     |  | RECEIPT FOR LODGMENT IN BANK. |   |
|---|--|-------------------------------|---|
| No.   | No.  |                               |   |
| In the Court of                                 | In the Court of                                  |                               |   |
| To  | To   |                               |   |
| The Agent, Imperial Bank of India at Bangalore. | The Agent, Imperial Bank of India at Bangalore.  |                               |   |
| Received Rs. from                               | You are requested to receive the sum of Rs. from | Received this day of 19       | the sum and Credited                      |
| to the credit of Civil Courts' Deposits         | credit the same to Civil Courts' Deposits        |                               | to Civil Courts' Deposits Personal Ledger |
| Personal Ledger account of this Court.          | Personal Ledger account of this Court.           |                               | account of the Court of                   |
| Dated the day of 19                             | Dated the day of 19                              | Dated                         | day of 19                                 |
| Judge.  | Judge.   |                               | Agent.                                    |

6. The person desirous of making the payment will deliver the challan and counterfoil receipt to the Bank Agent, who will retain the challan and return the receipt signed.

7. The receipt must be taken to the Court, and the person who has made the payment will then receive credit for it, and in exchange for the receipt signed by the Bank Agent, which must be retained in the Court, will receive a receipt signed by the Court.

8. On the last day of a term limited for payment if for any reason the money cannot be paid into the Bank, the money may be paid into the Court, and it shall thereupon be the duty of the Court so receiving payment to forward the money, accompanied by the prescribed form of challan, to the Bank, unless some person entitled to receive the money is present to receive it.

9. When a Court is closed on the last day of any period limited for payment, payment may be made on the first day on which the Court re-opens in any form which would have been admissible if that day had been the last day of the limited period.

10. Where money is paid into Court under rule 8 the amount must be remitted to the Bank with the least possible delay, and in no case should an interval of more than 24 hours be allowed to occur if the Bank be open.

11. The Court will maintain a Register of Receipts in the Civil Account Code Form No. 43 in which each item of deposit must be entered as received, and numbered. There will be a separate series of numbers for each year. The Judge of the Court will carefully check the amounts and particulars of each entry and then set his initials in the proper column against each.

*N.B.*—The word 'Judge' should be substituted for 'Treasury Officer' in Form 43.

12. Any person desirous of obtaining payment of money from a Court must, with his application, present to the Court a receipt for the amount. The Court will compare the application with the entry in the Register of Receipts, and if the balance be sufficient will then issue an order on the Bank for the amount, specifying the date on which it is granted and the amount to be paid.

13. The Court will at the same time record the date and amount of the order at once under its initials both in the Register of re-payments which should be kept up in the Civil Account Code Form No. 26 and in the Register of Receipts Civil Account Code Form No. 43. The order so issued must then be presented at the Bank. The Bank will maintain a personal ledger account for each Court.

*N.B.*—The expression 'Chief ministerial officer' should be substituted for 'Accountant' in the column for initials.

14. No order for the payment of money shall be issued after the 25th of each month except in case of emergency.

15. No order for payment shall be available unless it is presented at the Bank within 7 days from the date on which it is issued.

16. In order to secure strict observance of rule 15 the words 'Not payable if presented after 7 days from the date on which issued' should be printed as a note in the form of Civil Court deposit re-payment orders prescribed in rule 18.

17. Any order not presented within 7 days from the date on which it is issued must be returned to the Court and after being re-dated and initialled by the presiding judge, may be re-issued.

18. The order shall be in the following form. On payment, the person to whom payment is made shall be required by the Agent of the Bank to acknowledge receipt on the reverse of the order. If such person is not the person named in the order of payment he must satisfy the Agent of the Bank that he is duly authorised to receive the payment. A cheque may at the discretion of the presiding officer, be drawn to order, and in such cases the proper way to satisfy the Agent of the Bank is by a transfer endorsement on the back of the cheque.

*Not payable if presented after 7 days from the date on which issued.*

|   |  |
|---|--|
| <p>No. _____</p> <p>Court of _____</p> <p>To _____</p> <p>The Agent, Imperial Bank of India, Bangalore.</p> <p>Pay Rs. _____ to _____</p> <p>and debit to Civil Courts' Deposits Personal Ledger account of this Court.</p> | <p>No. _____</p> <p>Court of _____</p> <p>To _____</p> <p>The Agent, Imperial Bank of India, Bangalore.</p> <p>Please pay to the sum of Rs. _____</p> <p>and debit the amount to Civil Courts' Deposits Personal Ledger account of this Court.</p> |
|---|--|

Date. \_\_\_\_\_ Initials of the Judge. \_\_\_\_\_ Date. \_\_\_\_\_ Signature of the Judge. \_\_\_\_\_

19. The Pay and Accounts Officer will forward to the Courts a statement in the following form on the 1st, 8th, 15th and 22nd of each month:—

| Credit.                 |       | Debit.                    |       |
|-------------------------|-------|---------------------------|-------|
| Serial Number of Order. |       | Serial Number of challan. |       |
| No. 1                   | 500   | Balance B. F.             | 1,700 |
| No. 2                   | 300   | No. 25                    | 100   |
| No. 3                   | 100   | No. 26                    | 200   |
| Balance at credit       | 1,200 | No. 27                    | 100   |
| TOTAL                   | 2,100 | TOTAL                     | 2,100 |

The statement sent on the 1st of each month will cover transactions between the 22nd and the last day of the preceding month.

20. By comparing the serial numbers of the challans and orders issued with those entered in the Pay and Account Officer's statement, and rejecting such as are absent, the Court can ascertain if the Court's accounts and those of the account office correspond; and if it is found they do not, the matter should at once be reported to the Pay and Accounts Officer.

21. The receipts granted by the Bank for sums paid into Court under rule 6 and the receipts taken from parties for sums paid out of Court under rule 12 must, when filed in Court, be attached by gum, to the office counterfoil of the challan and order books.

22. When an order is re-dated and re-issued as provided in rule 17, the further date should be entered in the office counterfoil of the original order book.

23. The Court should make the comparison mentioned in rule 20 directly the memorandum referred to in rule 19 is received from the Pay and Accounts Officer. On receipt of the last statement for the month the Court should total up the Registers of Receipts and Re-payments and detail at foot of the latter (1) Cheques issued, but not paid during the month and (2) Cheques of previous months paid during the month; the aggregate amount of the first will be deducted and that of the second will be added to the total abovementioned.

24. An extract of each of the Registers of Receipts and Re-payments so closed should then be prepared in Civil Account Code Forms 28 and 26 (omitting the last four columns and altering the heading of the latter form) and despatched to the Pay and Accounts Officer.

25. Each Court should also write up a *Plus* and *Minus* Memorandum of the balance of deposits upon the extract register of receipts transmitted to the Pay and Accounts Officer thus:—

|  | Rs.   | A. | P. |
|--|-------|----|----|
| Balance on the beginning of the month      | .     | .  | .  |
| Add Receipts during the month              | .     | .  | .  |
|  | Total | .  | .  |
| Deduct payments during the month excluding |       |    |    |
| cheques unpaid                             | .     | .  | .  |
| Balance at close of the month              | .     | .  | .  |

NOTE.—The first *Plus* and *Minus* Memorandum will include the Balance of deposits transferred from the Pay and Accounts Office Register.

26. At the end of every quarter, a certificate must be recorded on the extract register of receipts by the Court in the form given below:—

'I do hereby certify that I have personally carefully examined the register and that the entries are made with the utmost care and regularity.'

27. At the beginning of each official year, each Civil Court should send to the Pay and Accounts Officer an account-particular for all balances outstanding more than one official year, excluding therefrom, the items of deposits reported for lapse. The deposits authorised to be paid but not yet paid by the Bank should be detailed at foot and the grand total agreed with the balances of the *Plus* and *Minus* Memorandum.

28. A memorandum of balances for the last four years should be given in lump sum at foot of the account-particular, thus:—

|       |                         |             | Rs. | A. | P. |
|-------|-------------------------|-------------|-----|----|----|
| 1.    | Outstanding previous to | 1923-24     | .   | .  | .  |
| 2.    | Do.                     | for 1923-24 | .   | .  | .  |
| 3.    | Do.                     | for 1924-25 | .   | .  | .  |
| 4.    | Do.                     | for 1925-26 | .   | .  | .  |
| Total |                         |             | .   | .  | .  |

29. At the end of each official year, each Court should furnish to the Pay and Accounts Officer two statements of lapses specifying the dates of receipt, the number of deposit and the balance at credit:—one statement should include deposits not excluding one rupee unclaimed for one whole account year; balances not exceeding one rupee of deposits partly re-paid during the year then closing and all sums deposited on account of batta to witnesses unclaimed for one whole year, a certificate being attached to the effect that the sanction of the District Judge has been obtained for the items shown in the statement being credited to Government. The other statement should include all items exceeding one rupee which have not been claimed for more than three complete account years with a certificate attached to the effect that the sanction of the Hon'ble the Resident has been obtained for the items shown therein being credited to Government. All items thus lapsing should be excluded from the *Plus* and *Minus* Memorandum maintained by the Court for the month of March of each year, the fact being intimated to the Bank Agent in order that the necessary deduction may be made in the personal ledger accounts kept at the Bank.

30. After the lapsed deposits have been credited to Government cheques ought not to be drawn against them, but they may be refunded with the sanction of the Pay and Accounts Officer under Article 207, Civil Account Code. The application for such sanction should be made in Civil Account Code Form 30.

31. The refund of lapsed deposits credited to Government may be sanctioned by the Pay and Accounts Officer on the authority of the officer by whom the deposit was remitted if applied for within two years after lapse and of the Hon'ble the Resident if claimed thereafter.

32. A general cash book should be maintained for all the money transactions of the Court together with a ledger showing at one view

the money transactions in each suit. The transactions which enter the Registers prescribed in Rules 11 and 13 will not be entered in detail in the cash book but only daily totals from these registers will be carried over to the cash book.

33. The Forms of the cash book and ledger shall be those prescribed in Forms 36 and 37 of the Civil Courts' Guide.

[*Mysore Residency Orders, Extraordinary*, dated the 4th January, 1927.]

*Rules for the maintenance and custody of live stock attached in execution of decrees of Civil Courts.*

<sup>1</sup>No. 302, dated the 3rd March, 1880.—Under <sup>2</sup>section 269 of the Code of Civil Procedure, the Chief Commissioner has been pleased to make the following rules for the maintenance and custody of live stock attached in execution of decrees of the Civil Courts:—

I. All live stock attached in execution of decrees shall ordinarily be under the care of the Nazir of the Court, who shall appoint, on his own responsibility, one of the process-serving peons to take charge of them. If the services of a peon are not at any time available, an additional peon may be appointed under paragraph 4 of the rules published by the Notification <sup>3</sup>No. 262, dated 10th January, 1880. But the additional fee imposed by clause (2) of the schedules to the rules published by the <sup>4</sup>Notification No. 261 of the same date, will in all cases be levied after the expiration of five or ten days according to the grade of the Court.

II. If there be a pound, commodious and sheltered, within easy reach of the attaching Court, the cattle may be kept there, under the responsibility of the Nazir: and the pound-keeper shall receive the fee of two annas per diem for the custody of as many cattle as may be attached under each warrant. The sums so paid shall be debited to the surplus proceeds of the process fees levied under the rules cited above.

III. If the pound be not conveniently situated, or if it be not commodious and sheltered, a covered shed shall be erected in the vicinity of the Court for the custody of attached cattle. The cost thereof not exceeding Rs50 shall be debited to surplus proceeds under the process-serving rules.

<sup>1</sup> These rules were made for the Mysore State. On its rendition and the assignment of the Civil and Military Station they were kept in force in the latter area by clause (1) of Notification No. 126-G. P., dated the 28th April, 1881. Printed *supra*, p. 57, footnote 1.

<sup>2</sup> See now section 128 of the Code of Civil Procedure, 1908 (V of 1908), as applied, *Supra*, p. 39.

<sup>3</sup> Printed *infra*, p. 232.

<sup>4</sup> Printed *infra*, p. 229.



IV. The rates for the maintenance, independent of the custody, of attached cattle shall be as follows:—

- <sup>1</sup>[(a) For horses and full grown cows and buffaloes at four to eight annas per head as the Judge may in each case direct.
- (b) For young calves and donkeys at one anna to an anna and a half per head as the Judge may in each case direct.
- (c) For sheep and goats at half an anna to one anna per head as the Judge may in each case direct.]

V. These rates shall be paid to the Nazir in advance by the attaching creditor, but shall, if the cattle are sold, be deducted from the proceeds of sale, and if the cattle are released from attachment under section 280 of the Code of Civil Procedure, shall be paid by the person at whose application the cattle are released.

VI. If the cattle be attached at a place distant more than 10 miles from the Court house, the cattle may be left in charge of the Village Patel, to whom shall be paid the sum necessary for the maintenance of the cattle calculated at the rates specified above, and also an additional fee debitable to the process fee surplus proceeds for the custody of the cattle, calculated at the rate of 2 annas per diem. The sums necessary for maintenance of the cattle shall be advanced by the attaching creditor and recovered in the manner specified in rule 5. And the Village Patel shall be held responsible in the sums so paid to him for the production of the cattle at the place and time appointed for the sale thereof.

VII. Or if the judgment-debtor can give security to the satisfaction of the Court for the value of the attached cattle they may be left in his custody, and he shall be responsible in that amount for their production on the day and at the place appointed for the sale.

VIII. It shall be understood that the only cash payments required from the attaching creditors under these rules shall be the sums required for the maintenance of the attached cattle at the rates specified in rule 4 to be recovered as stated therein. The other sums required as fees for the custody of the cattle shall be covered by the fee paid in court fee stamps on the warrant of attachment.

[*Mysore Gazette*, 1880, Pt. I, p. 88.]

*Administration of oaths in the case of affidavits.*

No. 620, dated the 16th March, 1886.—The Civil and Sessions Judge of the Civil and Military Station of Bangalore is hereby empowered under section 197, clause (c) of the Code of Civil Procedure (Act

<sup>1</sup> Substituted by Notification No. 2435, dated the 5th June. 1897. *Gazette of India*, 1897, Pt. II, p. 727.

<sup>2</sup> See now section 139 of the Code of Civil Procedure, 1908 (V of 1908), as applied. *Supra*, p. 39.

XIV of 1882) to appoint an officer of his court to administer the oath of the declarant in the case of affidavits under the said Code.

[*Gazette of India*, 1886, Pt. II, p. 161.]

*Rules for the disposal of records in Civil Courts.*

No. 24, dated the 30th September, 1925.—Printed *infra*, p. 820.

*Courts in British India empowered to send decrees to the District Court and the Small Cause Court in the Civil and Military Station for execution.*

No. 786-I. B., dated the 9th April, 1913.—Printed in Appendix XXI-A.

*Service and execution by the Courts in the Civil and Military Station of summonses and decrees—(a) of Civil or Revenue Courts in British India;<sup>2</sup> (b) of other Courts established or continued by the Governor General in Council;<sup>2</sup> (c) of certain Courts of Indian States.*

No. 322-I., dated the 15th May, 1929.—Printed in Appendix XXI-A.

*Service of Summonses and execution of decrees of the Courts in the Civil and Military Station<sup>3</sup> by other Courts established or continued by the Governor General in Council.*

No. 322-I., dated the 15th May, 1929.—Printed in Appendix XXI-A.

*Service of Summonses and execution of decrees of the Courts in the Civil and Military Station by Civil Courts of the Mysore and Baroda States.*

|  |                              |
|--|------------------------------|
| No. 398-I. B., dated the 25th February, 1910.  | } Printed in Appendix XXI-C. |
| No. 2622-I. B., dated the 24th December, 1912. |                              |
| No. 2623-I. B., dated the 24th December, 1912. |                              |

*Reciprocal service of summonses by Civil Courts in the Civil and Military Station and Civil Courts in—(a) Kenya.*

No. 397-I., dated the 13th August, 1924.—Printed in Appendix XXI-D.

<sup>1</sup> As regards Summonses see Rule 26 (a) of Order V of the First Schedule of the Code of Civil Procedure, 1908 (V of 1908), read with clause (1) of Notification No. 322-I., dated the 15th May, 1929. Printed in Appendix XXI-A.

<sup>2</sup> See also section 29 and 43 of the Code of Civil Procedure, 1908 (V of 1908), as locally applied.

<sup>3</sup> These Courts may send their summonses and decrees to Courts in British India for service and execution, see sections 29 and 43 of the Code of Civil Procedure, 1908 (V of 1908).

(b) *Persia.*

No. 460-I., dated the 30th July, 1928.—Printed in Appendix XXI-D.

*Remission of fees chargeable on decrees of Baroda Courts.*

No. 2266-I. B., dated the 11th October, 1916.—In exercise of the powers conferred by section 35 of the Court-fees Act, 1870 (VII of 1870), as applied to, or as in force in, the areas specified in the Schedule hereto annexed, the Governor General in Council is pleased to remit the fees chargeable under the said Act, on copies of decrees of <sup>1</sup>[Civil Courts] situate in the territories of His Highness the Gaekwar of Baroda forwarded to any Court in the said areas for execution.

SCHEDULE.

5. The Civil and Military Station of Bangalore.

[*Gazette of India*, 1916, Pt. I, p. 1519.]

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<sup>1</sup> Substituted by Notification No. 3180-I. B., dated the 4th October, 1918. *Gazette of India*, 1918, Pt. I, p. 1593.

**VIII.—Orders under Acts<sup>1</sup> locally applied.**

**PRESS AND REGISTRATION OF BOOKS ACT, 1867.**

*Rules.*

*General Acts—*

No. 835, dated the 2nd April, 1886.—The provisions of Act XX of 1847<sup>2</sup> (regarding Copyright of Books) and Act XXV of 1867 (for the regulation of Printing Presses and of Periodicals, for the preservation of copies of books printed in British India, and for the registration of such books) having been formally declared,<sup>3</sup> under the authority of the Governor General of India in Council, to apply to the Civil and Military Station of Bangalore, the following revised rules, in supersession of those contained in the Resident's notification No. 14, dated 15th January 1885, are hereby prescribed by the Officiating Resident in Mysore under the provisions of section 20 of the latter Act:—

1. One copy of every work printed or lithographed in the Civil and Military Station of Bangalore shall, under the provisions of section 9 of 'Act XXV of 1867, be delivered by the printer [free of expense to Government]<sup>4</sup> to the Collector and District Magistrate of the Civil and Military Station of Bangalore, together with a memorandum containing the following particulars:—

- (1) The title of the book and the contents of the title page, with a translation into English of such title and contents, when the same are not in the English language;
- (2) The language in which the book is written;
- (3) The name of the author, translator, or editor of the book or any part thereof;
- (4) The subject;
- (5) The place of printing and the place of publication;
- (6) The name or firm of the printer and the name or firm of the publisher;
- (7) The date of issue from the press or of the publication;
- (8) The number of sheets, leaves, or pages;
- (9) The size;
- (10) The first, second, or other number of the edition;

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<sup>1</sup> For orders under a Regulation locally applied (the Excise Regulation, 1915), see pp. 691 to 791, *infra*.

<sup>2</sup> See now the Indian Copyright Act, 1914 (III of 1914).

<sup>3</sup> See now Notification No. 261-I., dated the 24th April 1929. Printed *supra*, p. 89.

<sup>4</sup> Added by Notification No. 1497-1585, dated the 26th April 1894. *Gazette of India*, 1894, Part II, p. 425.

- (11) The number of copies of which the edition consists;
- (12) Whether the book is printed or lithographed;
- (13) The price at which the book is sold to the public;
- (14) The name and residence of the proprietor of the copyright or of any portion of such copyright; and
- (15) The date on which the copyright was registered.

2. On receipt of the copy of the work as well as of the prescribed memorandum, the Collector and District Magistrate shall give a receipt in writing for the copy so received and shall enter the particulars stated in such memorandum in a book to be kept in his office, entitled "Catalogue of Books printed in the Civil and Military Station of Bangalore."

\*     \*     \*     \*     \*

3. In order to secure the copyright of the work delivered, the proprietor may, in accordance with the last clause of section 18 of Act XXV of 1867, pay the sum of two rupees to the Collector and District Magistrate, who will thereupon grant a receipt for the same and remit the amount to the Resident's Treasury.

4. Prosecution for infringement of the provisions of Act XXV of 1867 shall be instituted by such officer as the Resident may appoint in each case upon information received from the Collector and District Magistrate.

5. The Collector and District Magistrate shall, at the close of each quarter, furnish the Assistant to the Resident in Mysore with a true extract from the catalogue of books kept by him under rule 2 of this notification, giving all the particulars regarding each book as specified in rule 1 above, a note being made in the column of remarks stating briefly the nature or character of the work referred to. The Collector and District Magistrate shall retain the copy of the work supplied to him under rule 1 of this notification in his office in a special library.

6. The works registered during the quarter in the said catalogue shall be arranged in the quarterly extract referred to in the preceding rule in strict conformity with the instructions contained in the Resolution of the Government of India, Home Department, No. 1—462, dated 12th September 1882, and the quarterly extract shall be forwarded to the Assistant to the Resident in Mysore as soon as possible after the end of such quarter for publication in the *Gazette of India*, in accordance with the provisions of section 19 of Act XXV of 1867.

[*Gazette of India*, 1886, Pt. II, p. 189.]

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<sup>1</sup> Omitted by Notification No. 1497-1585, dated the 26th April 1894, *Gazette of India*, 1894, Part II, p. 425.

<sup>2</sup> Now designated "Secretary to the Resident".

COURT FEES ACT, 1870.

*Rules as to fees for, and remuneration to persons employed in, the service and execution of processes of Civil Courts.*

<sup>1</sup>No. 261, dated the 10th January 1880.—The following rules as to (1) the fees chargeable for serving and executing processes issued by the Civil Courts, and (2) the remuneration of the peons and all other persons employed in the service and execution of processes, having been made by the [Resident in Mysore] and sanctioned by the Governor-General in Council are hereby published under section 20 of the Court-fees Act, 1870:—

1. For, and in respect of, the service of a process issuing from the [Civil Court of the Civil and Military Station of Bangalore] sitting as a Court of Small Causes, there shall be payable by the party, at whose instance such process is to be served, a fee of the amount specified in schedule No. 1 annexed to these Rules, and such process shall not be served or executed until such fee shall have been duly paid.

2. For, and in respect of, the service and execution of a process issuing from [the Civil Court on the Regular side] there shall be payable by the party at whose instance such process is to be served a fee of the amount specified in Schedule No. II attached to these Rules, and such process shall not be served or executed unless such fee shall have been duly paid.

3. All processes shall be served or executed by a separate establishment, which shall consist of Amins and Peons.

4. There shall be two grades of Amins, remunerated by salaries of Rupees 16 and 14 respectively and two grades of peons remunerated by salaries of Rupees 8 and 7 respectively. \* \* The proportion of Amins in the higher grade \* \* shall not exceed one to two in the lower grade, and the proportion of peons in the higher grade shall not exceed one to three in the lower grade. \* \* In exceptional cases, and with the previous sanction of the [Resident in Mysore], travelling allowance may be given in addition to salary.

5. Should the amount of fees levied under these Rules not be equal to the amount of expenditure incurred in remuneration of process servers, the [Resident in Mysore] may, at all times, reduce the rates of remuneration allowed by the preceding Rule.

6. The establishment of Amins and Peons, and the service and execution of all processes shall be subject to the superintendence of the Nazir of [the] Court, and it shall be lawful to the [Resident in Mysore], where

<sup>1</sup> These Rules were made for the Mysore State. On its rendition and the assignment of the Civil and Military Station they were kept in force in the latter area by clause (1) of Notification No. 126-G. P., dated the 28th April 1881,—printed *supra*, p. 57, footnote 1. The passages placed in [ ] or replaced by \* \* represent amendments sanctioned in the letter of the Government of India, No. 3831-1., dated, the 27th October 1896.

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under Acts locally applied.)

the state of the funds permit, to assign an allowance not exceeding Rs20 per mensem to such Nazir as remuneration for his superintendence.

SCHEDULE No. I.

[In Small Causes.]

|  | Rs. a. p.                                |
|--|--|
| 1. Summons to defendant . . . . .  | 0 8 0                                    |
| And for every additional defendant, if applied for at the same time, and if defendant resides in the same neighbourhood. | 0 4 0                                    |
| 2. Summons to a witness . . . . .  | 0 8 0                                    |
| And for every additional witness, if applied for at the same time, and if the witness resides in the same neighbourhood. | 0 4 0                                    |
| 3. Warrant of arrest . . . . .   | 1 0 0                                    |
| 4. Proclamation of attachment or sale . . . . .  | 0 8 0                                    |
| 5. Warrant of attachment of moveable* property . . . . .   | 1 0 0                                    |
| 6. Warrant of delivery of possession of moveable property—   |  |
| If no attachment has taken place . . . . .   | The fee for attachment of said property. |
| If attachment has taken place . . . . .  | [0 8 0]                                  |
| * . . . . .  |  |
| 7. Injunction, order or notice not otherwise provided for . . . . .  | 0 8 0                                    |

N.B.—(1) When it is found necessary to employ more than one Amin or Peon (as, for instance, where property is situated in different places) double fees are to be charged.

(2) When it is necessary to appoint a custodian of the property attached under Section 269<sup>1</sup> of the Civil Procedure Code, an additional fee at the same rate shall be levied from the party on whose application the warrant was issued at the end of five days, and for every additional period of five days or less, during which the property is kept under attachment.

SCHEDULE II.

[In other than Small Causes.]

|   | Rs. a. p. |
|---|-----------|
| 1. Summons or notice to defendant or respondent . . . . .   | 1 0 0     |
| And for every additional defendant or respondent, if applied for at the same time, and if defendant or respondent resides in the same neighbourhood . . . . . | 0 8 0     |
| 2. Summons to a witness . . . . .   | 1 0 0     |
| And for every additional witness, if applied for at the same time, and if witness resides in the same neighbourhood . . . . .                                 | 0 8 0     |
| 3. Warrant of arrest . . . . .  | 2 0 0     |
| 4. Proclamation of attachment or sale . . . . .   | 1 0 0     |
| 5. Warrant of attachment of moveable or immoveable property . . . . .   | 2 0 0     |

<sup>1</sup> See now Rules 43 and 45, Order XXI of the Code of Civil Procedure, 1908 (Act V of 1908).

SCHEDULE II—*contd.*

|  | <i>Rs. a. p.</i>                         |
|--|--|
| 6. Warrant of delivery of possession of property (moveable or immoveable)— |  |
| if no attachment has taken place . . . . .                                 | The fee for attachment of said property. |
| If attachment has taken place—   |  |
| For moveable property . . . . .  | 1 0 0                                    |
| For immoveable property . . . . .  | 2 0 0                                    |
| 7. Injunction, order, or notice not otherwise provided for . . . . .       | 1 0 0                                    |

*N.B.*—(1) When it is found necessary to employ more than one Amin or Peon (as, for instance, where property is situated in different places) double fees are to be charged.

(2) When it is necessary to appoint a custodian of the property attached under Section 209<sup>1</sup> of the Code of Civil Procedure, an additional fee at the same rate shall be levied from the party on whose application the warrant was issued at the end of 10 days, or for every additional period of 10 days or less, during which the property is kept under attachment.

[*Mysore Gazette*, 1880, Pt. I, p. 5.]

*Criminal process fees.*

*No. 3679, dated the 8th July, 1902.*—The following rules having been made and confirmed by the Resident in Mysore under section 20 of the Court-fees Act, 1870 (VII of 1870), as applied to the Civil and Military Station of Bangalore by the notification of the Government of India in the Foreign Department,<sup>2</sup> No. 2252-I., dated the 7th August 1883, and sanctioned by the Governor General in Council, are hereby published for general information, namely:—

On and after the 1st September 1902, all payments for the service of processes by the Criminal Courts in the Civil and Military Station of Bangalore shall, in the case of offences other than offences for which the police may arrest without warrant, be collected, save as hereinafter otherwise provided, according to the rates fixed in the sub-joined schedule:—

SCHEDULE.

|  | <i>Rs. a. p.</i> |
|--|------------------|
| 1. Summons to accused . . . . .  | 0 8 0            |
| And for every additional accused if applied for at the same time and if resident in the same neighbourhood . . . . . | 0 4 0            |
| 2. Summons to a witness . . . . .  | 0 4 0            |
| 3. Warrant of arrest . . . . .   | 0 8 0            |
| 4. Notice, order or warrant not otherwise provided for . . . . .   | 0 8 0            |

Provided that, where a warrant remains unexecuted for fifteen days after its delivery to the officer entrusted with its execution, an additional fee at the same rate shall, unless the delay is due to any officer of the Court,

<sup>1</sup> See new Rules 43 and 45, Order XXI of the Code of Civil Procedure, 1908 (Act V of 1908).

<sup>2</sup> See now Notification No. 261-I., dated the 24th April, 1929. Printed *supra*, p. 15.



he levied from the party at whose instance the warrant was issued for every fifteen days or portion of fifteen days until return is made. Provided also that no fees shall be levied on processes issued upon complaints which being instituted by public servants, municipal officers or officers or servants of a railway company, are declared, by section 19, clause XVIII, of the Court-fees Act, 1870 (VII of 1870), not to be chargeable with any fee.

[*Gazette of India*, 1902, Pt. II, p. 768.]

*Strength of process-serving establishment.*

No. 262, dated the 10th January, 1880.—The following Rules as to the number of officers to be employed for the service and execution of processes have been made by the <sup>1</sup>[Resident in Mysore] under section 22 of the Court-fees Act, 1870, and approved by the Governor General in Council:—

<sup>1</sup>[1. The Amins and Peons to be employed in the Civil Court, Civil and Military Station of Bangalore, shall be in number sufficient for the execution of the average number of processes required to be executed for three years, each Amin being for this purpose considered capable of executing one hundred processes and each peon capable of executing two hundred processes, provided that the Resident in Mysore may, on sufficient cause, modify the rate above mentioned.]

3. Where it appears to the <sup>1</sup>[Civil] Judge that the number of processes issued out of <sup>1</sup>[his] Court has increased so as to render an increase of establishment necessary, he shall be competent to make the requisite increase in the number of Amins or Peons: and if there shall be a diminution of processes and if he shall be satisfied that the processes of <sup>1</sup>[his] Court can be executed by a smaller number of Amins or Peons, or if it appears that the costs and charges exceed the receipts, it shall be his duty to make a reduction accordingly: provided that intimation of all changes effected under this Rule shall be reported to the <sup>1</sup>[Resident in Mysore] for sanction, and that all extra officers appointed shall be placed on the temporary establishment, until such time as it is evident that it is necessary to place them on the ordinary establishment.

4. It shall also be competent to <sup>1</sup>[the Civil Judge], to appoint special Peons for the service or execution of any individual process or for the custody of property attached, when the work cannot be performed by the ordinary establishment without unreasonable delay. Such special Peons shall be remunerated at the rate of 4 annas per diem.

[*Mysore Gazette*, 1880, Pt. I, p. 7.]

<sup>1</sup> See Letter of the Government of India, No. 3831-I., dated the 27th October, 1886.

*Use of adhesive and impressed stamps.*

No. 1017-I. A., dated the 21st April, 1899.—In exercise of the powers conferred by section 26 of the Court-fees Act, 1870 (VII of 1870), as applied to the Civil and Military Station of Bangalore by the notification of the Government of India in the Foreign Department,<sup>1</sup> No. 2252-I., dated the 7th August 1883, the Governor General in Council is pleased to direct that—

- (a) when in any case the fee chargeable under the said Act, as so applied, is less than ₹10, such fee shall be denoted by adhesive stamps only, and
- (b) when in any case the fee chargeable under the said Act, as so applied, amounts to or exceeds ₹10, such fee shall be denoted by impressed stamps, adhesive stamps being employed only in respect of fractions (if any) of less than ₹10.

[Gazette of India, 1899, Pt. I, p. 266.]

*The number of stamps to be used.*

No. 2492, dated the 7th June, 1899.—In exercise of the powers conferred by section 27 of the Court-fees Act, 1870 (VII of 1870), as applied to the Civil and Military Station of Bangalore by the notification of the Government of India, Foreign Department,<sup>1</sup> No. 2252-I., dated the 7th August 1883, and with the previous sanction of the Governor General in Council, the Resident in Mysore is pleased to make the following rules, in supersession of all previous rules, to regulate the number of stamps to be used for denoting fees chargeable under the said Act, as applied, namely:—

1. Fees amounting to less than ₹10 shall, if possible, be denoted by a single adhesive stamp. But if the fees cannot be so denoted, or if a single adhesive stamp of the required value is not available, an adhesive stamp of the next lower value available shall be used, and the deficiency shall be made up by the use of one or more additional adhesive stamps of the next lower value.

2. Fees amounting to or exceeding ₹10 shall, if possible, be denoted by a single impressed stamp. But if the fees cannot be so denoted, or if a single impressed stamp of the required value is not available, an impressed stamp of the next lower value available shall be used, and the deficiency shall be made up by the use of the fewest number possible of additional impressed stamps of the next lower values available, in combination with adhesive stamps to make up fractions of less than ₹10.

3. Every adhesive stamp used under rule 2 shall be affixed to the impressed stamp of the highest value employed in denoting the fee.

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<sup>1</sup> See now Notification No. 261-I., dated the 24th April 1929. Printed *supra*, p. 89.

4. When two or more impressed stamps are used to make up the amount of the fee, a portion of the subject-matter shall be written on each impressed stamp so used and the writing on each stamp shall be attested by the signature of the person or persons executing the document.

5. When one or more impressed stamps used to denote a fee are found insufficient to admit of the entire document being written on the side of the paper which bears the stamp, so much plain paper may be joined thereto as may be necessary for the complete writing of the document, and the writing on the impressed stamps and on the plain paper shall be attested by the signature of the person or persons executing the document.

[*Gazette of India*, 1899, Pt. II, p. 691.]

*Rules for the supply and sale of stamps.*

No. 2491, dated the 7th June, 1899.—In exercise of the powers conferred by sections 27 and 34 of the Court-fees Act, 1870 (VII of 1870), as applied to the Civil and Military Station of Bangalore by the notification of the Government of India in the Foreign Department,<sup>1</sup> No. 2252-I., dated the 7th August 1883, and with the previous sanction of the Governor General in Council, the Resident in Mysore is pleased to make, with effect from the first day of July 1899, the following rules, in supersession of all previous rules, to regulate the supply and sale of stamps, and the appointment, duties and remuneration of persons by whom stamps shall be sold, in the Civil and Military Station of Bangalore:—

1. Court-fee stamps shall continue to be supplied of the same pattern as may from time to time be in use in the territories of Mysore and shall consist of adhesive stamps or labels, and impressed stamps or stamp papers.

2. Stamp vendors shall be either *ex-officio* vendors or licensed vendors. The former shall be Government officers appointed by the Resident. The latter shall be persons licensed by the Collector or other officer empowered by the Resident to grant licenses.

3. Licenses shall be issued in the form<sup>2</sup> annexed to these rules, and shall specify the name of the licensee, the description of stamps which may be sold under the license, the place of vend and such other matters as may be necessary, and shall be signed by the authority granting the license.

4. A licensed vendor shall sell only such stamps as are indicated in his license.

<sup>1</sup> See now Notification No. 201-J., dated the 24th April, 1929. Printed *supra*, p. 39.

<sup>2</sup> Not re-printed.

5. Any license granted under these rules may be cancelled or suspended at any time by the Resident or by the authority who granted it.

6. Subject to rule 7, every licensed vendor who purchases stamps from the Government by payment of ready money, shall receive such discount, not exceeding 2 *per cent.*, as may from time to time be prescribed by the Resident.

7. No discount shall be given if the number or value of stamps purchased at one time is less than the minimum number or value which the Resident may from time to time prescribe in this respect: provided that no discount shall be given on account of the purchase of any stamp exceeding Rs50 in value.

8. Every licensed vendor shall at all times exhibit outside the place of vend a conspicuous board bearing his name, with the words "Licensed Vendor of Court-fee Stamps," in English and in Canarese. He shall also keep in the place of vend a copy of the Court-fees Act, 1870 (VII of 1870), as applied to the Civil and Military Station, and a copy of these rules, together with translations thereof in Canarese, in such a manner that they can readily be seen and read by purchasers.

9. Every stamp vendor shall write on the back of every stamp paper which he sells, a serial number, the date of sale, the name and residence of the purchaser, the value of the stamp in full in words and his own ordinary signature. The serial number shall begin with the first stamp paper sold in the official year and end with the last.

10. In the blank space left on adhesive stamps, the stamp vendor shall insert the name of the purchaser, the date of sale and his own ordinary signature.

11. An endorsement made under rule 9 or 10 may not be altered. If an incorrect endorsement has been inadvertently made, the stamp paper or the adhesive stamp, as the case may be, may be treated as spoiled.

12. Every stamp vendor shall keep a register of sales in Form A<sup>1</sup> annexed to these rules, together with such accounts and registers as may be prescribed by the Resident, and shall produce them for inspection on the demand of any Government officer not below the grade of Amildar.

13. An entry shall be made in the register of sales as each sale is effected. If the vendor takes a stamp from the stock for his own private use, it must be treated as a sale.

14. Every stamp vendor shall, without delay, deliver any stamp which he has in his possession for sale on demand by any person legally tendering the value in current coin or currency notes.

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<sup>1</sup> Not re-printed.

15. No stamp vendor shall sell any stamp the use of which has been ordered by competent authority to be discontinued.

16. Every stamp vendor shall, at any time on the demand of the Collector or other officer duly authorized by the Resident, deliver up all stamps remaining in his possession.

17. When a stamp vendor is unable to supply a single stamp paper of any required value, he shall, unless the said value exceeds the highest value of stamp which he is authorized to sell, supply the smallest number of stamp papers available to make up that value, and shall record on the back thereof a certificate to that effect.

18. A licensed vendor may sell stamps at his place of vend at all times and every stamp vendor shall do so daily from 10 A.M. to 5 P.M., except on Sundays and holidays.

[*Gazette of India*, 1899, Pt. II, p. 689.]

*Rules as to the refund of the value of stamps.*

No. 2493, dated the 7th June, 1899.—With the previous sanction of the Governor General in Council, the Resident in Mysore is pleased to make, with effect from the 1st July 1899, the following rules with regard to the refund of the value of impressed Court-fee stamps and of Court-fee adhesive labels in the Civil and Military Station of Bangalore:—

1. (a) When any person is possessed of impressed Court-fee stamps for which he has no immediate use, or which have been spoiled or rendered unfit or useless for the purpose intended, or
- (b) When any person is possessed of two or more (or, in the case of denominations below Rs, four or more) Court-fee adhesive labels which have never been detached from each other and for which he has no immediate use, the Collector shall, on application, repay to him the value of such stamps or labels in money, deducting one anna in the rupee, upon such person delivering up the same to be cancelled and proving to the Collector's satisfaction that they were purchased by him either at the Resident's Treasury or from a licensed vendor of stamps in the Civil and Military Station of Bangalore with a *bond fide* intention to use them, that he has paid the full price thereof, and that they were so purchased or, in the case of impressed Court-fee stamps so purchased, spoiled or rendered useless, within the period of six months preceding the date on which they are so delivered: Provided that the Resident in Mysore may, in special cases, allow refunds when application is made within one year from the date of purchase of the stamps or

labels, or, in the case of impressed Court-fee stamps, within one year from the date on which the stamps were spoiled or rendered useless.

*Explanation.*—When adhesive labels are attached to impressed sheets of Court-fee stamps in accordance with the direction contained in notification<sup>1</sup> No. 1017-I. A., of the Government of India in the Foreign Department, dated the 21st April 1899, and Resident's notification<sup>1</sup> No. 2492, dated the 7th June 1899, such labels should be regarded as impressed stamps for the purposes of refund under this rule.

2. When stamps are returned to the Collector's store—

- (a) on the application of a vendor, or
- (b) on the death of a vendor or on his resigning his license, or
- (c) on the revocation of a license for any fault of the licensee, they shall be taken back at their full value less a deduction of one anna in the rupee; but, when they are returned—
- (d) on the recall of stamps by Government,
- (e) on the expiration of a license, or
- (f) on the revocation of a license for no fault of the licensee, they shall be taken back at their full value less only any discount previously allowed on their sale to the vendor.

[*Gazette of India*, 1899, Pt. II, p. 691.]

*Reduction and remission of Court-fees.*

No. 1018-I. A., dated the 21st April, 1899.—In exercise of the powers conferred by section 35 of the Court-fees Act, 1870 (VII of 1870), as applied to the Civil and Military Station of Bangalore by the notification of the Government of India in the Foreign Department,<sup>2</sup> No. 2252-I., dated the 7th August 1883, and in supersession of the notification of the Government of India in the Foreign Department, No. 2370-I., dated the 24th June 1884, the Governor-General in Council is pleased to direct as follows:—

I. So much of the notification of the Government of India in the Department of Finance and Commerce,<sup>3</sup> No. 4650, dated the 10th September 1889, issued under section 35 of the Court-fees Act, 1870 (VII of 1870), and amended by the notification of the same Department,<sup>4</sup> No. 4276-S. R., dated the 23rd September 1897, as is specified below, shall apply to the Civil and Military Station of Bangalore, namely,—

- (a) The preamble;
- (b) Clauses (1) to (11), both inclusive:

<sup>1</sup> Printed *supra*, p. 233.

<sup>2</sup> See now Notification No. 260-I., dated the 24th April 1929. Printed *supra*, p. 39.

<sup>3</sup> *Gazette of India*, 1889, Part I, p. 506.

<sup>4</sup> *Gazette of India*, 1897, Part I, p. 864.

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Provided that—

- (i) the refund authorized by clause (3) shall not be made unless the stamp in question has been purchased from the Resident's Treasury, or from a person duly authorized to sell Court-fee stamps in the said station; and
- (ii) in clause (6) " clause (c) " shall be inserted after " section 244 ";
- (c) Clauses (13) to (19A), both inclusive:  
Provided that in clause (15) for the figures " 1882 " the words and figures " 1898 (Act V of 1898)," shall be substituted; and
- (d) Clause (35), except the words " in the Presidency of Bombay or by the Sadar Court in Sind ".

II. No Court-fee shall be charged on an application for the repayment of a fine, or of any portion of a fine, the refund of which has been ordered by competent authority.

[*Gazette of India*, 1899, Pt. I, p. 266.]

*Reduction and remission of Court-fees.*

No. 9-G., dated the 5th January, 1912.—In exercise of the powers conferred by section 35 of the Court-fees Act, 1870 (VII of 1870), as applied<sup>1</sup> to the Civil and Military Station of Bangalore, and in supersession of all previous notifications on the same subject, the Governor General in Council is pleased—

- (a) to remit all fees payable under Schedule II to the said Act upon applications relating to licenses or duplicates granted or renewed under the Bangalore Arms Rules, 1912<sup>2</sup>, other than licenses or duplicates of the nature hereinafter referred to in sub-head (b); and
- (b) to reduce to one anna all fees, exceeding one anna, payable under the said schedule upon applications relating to licenses or duplicates granted or renewed under the said Rules in respect of which—
  - (i) no fee is payable under the said Rules, or
  - (ii) the fee payable under the said Rules has been collected in full.

[*Gazette of India*, 1912, Pt. I, p. 21.]

*Remission of fees on decrees of Baroda Courts.*

No. 2266-I. B., dated the 11th October, 1916.—Printed *supra*, page 225.

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<sup>1</sup> See now Notification No. 260-I., dated the 24th April 1929. Printed *supra*, p. 39.

<sup>2</sup> See now the Bangalore Arms Rules, 1924. Printed *infra*, p. 285.

*Further remissions.*

*No. 92, dated the 15th October, 1925.*—In exercise of the powers conferred by section 35 of the Court-fees Act, 1870 (VII of 1870), as applied to the Civil and Military Station of Bangalore, the Resident in Mysore is pleased to make in the Station the remissions hereinafter set forth in the fees leviable under Articles 11, 12 and 12 (a) of the First Schedule of the said Act, as so applied, on the property of (i) any person subject to the Naval Discipline Act (29 and 30, Vict. C. 109), the Army Act (44 and 45 Vict. C. 58), the Air Force Act (7 & 8 Geo. 5 C. 51), or the Indian Army Act, 1911 (VIII of 1911) who is killed or dies from wounds inflicted, accidents occurring or disease contracted while on active service or on service which is of a warlike nature or involves the same risk as active service, and (ii) any person being a Government servant, civil or military, who dies from wounds inflicted while in actual performance of his official duties or in consequence of those duties.

REMISSIONS.

(a) Where the amount or value of property, in respect of which the grant of probate or letters of administration is made or [which is specified in the certificate under Part X of the Indian Succession Act, 1925 (XXXIX of 1925)], as applied, does not exceed Rs. 50,000, the whole of the fees leviable in respect of that property;

(b) Where the said amount or value exceeds Rs. 50,000, the whole of the said fees in respect of the first Rs. 50,000.

[*Mysore Residency Orders*, 1925, Pt. I, p. 45.]

INDIAN CHRISTIAN MARRIAGE ACT, 1872.

*Appointment of Marriage Registrar for marriages between non-British subjects.*

*No. 4930, dated the 27th September, 1900.*—Whereas by the notification of the Government of India in the Foreign Department,<sup>2</sup> No. 2252-I., dated the 7th August 1883, the Indian Christian Marriage Act, 1872, was with certain modifications declared to apply to the Civil and Military Station of Bangalore so far as regards marriages between persons, is a Christian British subject: In exercise of the powers conferred by section 7 of the Act, the Resident in Mysore is pleased to appoint the section 7 of the Act, the Resident in Mysore is pleased to appoint the Collector of the Civil and Military Station of Bangalore for the time being (being a Christian) to be a Marriage Registrar for the said Station.

[*Gazette of India*, 1900, Pt. II, p. 1122.]

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<sup>2</sup> Substituted by Notification No. 82, dated the 17th September 1926. *Mysore Residency Orders*, 1926, Pt. I, p. 23.

<sup>3</sup> See now Notification No. 260-I., dated the 24th April 1929. Printed *supra*, p. 39.



OPIMUM ACT, 1878.

*Grant of powers of a Deputy Commissioner under the Act.*

*Dated the 17th January, 1883.*—The Resident in Mysore is pleased to authorize the Magistrate and Superintendent of Excise Revenue, Civil and Military Station of Bangalore, to exercise the powers conferred upon Deputy Commissioners by sections 12, 19 and 24 of the Opium Act, I of 1878, within the limits of that Station.

[*Mysore Gazette*, 1883, Pt. II, p. 22.]

*Grant of powers to enter, arrest and seize.*

*No. 3922, dated the 18th July, 1905.*—In supersession of this office notification No. 14, dated the 30th March 1883, which is hereby cancelled, the Officiating Resident in Mysore is pleased to authorize the Superintendent of Excise, the Assistant Superintendent of Excise and the Police Officers of and above the grades of Inspectors, serving in the Civil and Military Station of Bangalore to exercise within the limits of the said Station the powers specified in section 14 of the Opium Act (I of 1878), as applied to the Civil and Military Station.

2. The Amildar of the Civil and Military Station is authorized to exercise within the said limits the powers mentioned in section 22 of the said Act.

[*Gazette of India*, 1905, Pt. II, p. 807.]

*Rules.*

*No. 36, dated the 27th May, 1921.*—In exercise of the powers conferred by sections 5 and 13 of the Opium Act, 1878 (I of 1878), as applied to the Civil and Military Station of Bangalore, and with the previous sanction of the Governor General in Council, the Hon'ble the Resident in Mysore is pleased to make the following rules in supersession of the rules contained in Residency Notification No. 42, dated the 31st July 1911, as subsequently amended. The rules supersede all existing rules on the subject and will come into force from 1st June, 1921.

*Interpretation.*

I. In these rules unless there be something repugnant in the subject or context—

1. 'Approved practitioner' means—

(a) any person registered as a medical practitioner under the Medical Act, 1858, and any Act of Parliament amending the same, or under any law for the registration of medical

practitioners for the time being in force in any part of British India, or

- (b) any person registered as a dentist under the Dentist's Act, 1878, and any Act of Parliament amending the same, or
- (c) any person possessed of qualifications which render him eligible for registration as a medical practitioner or dentist, as the case may be, under the Medical Act, 1858, the Dentist's Act, 1878, and any Act of Parliament amending the same Acts, or under any law for the registration of medical practitioners or dentists for the time being in force in any part of British India, and approved by the Collector for the purpose of these rules, or of corresponding rules for the time being in force in any part of British India,
- (d) any other person engaged in medical or veterinary practice and approved by the Resident for the purpose of these rules or of corresponding rules for the time being in force in any part of British India.

2. 'Resident' means the Hon'ble the Resident in Mysore.

3. 'Collector' means the Collector of the Civil and Military Station of Bangalore, and includes any officer specially authorized by the Resident to exercise all or any of the powers of a Collector under these rules.

4. 'India' means British India together with any territories of any Native Prince or Chief under the suzerainty of His Majesty exercised through the Government of India or any Government or officer subordinate thereto and includes the French and Portuguese settlements enclosed within British-Indian territory or bordering on the Arabian Sea (east of Karachi) or Bay of Bengal.

5. 'Intoxicating drugs' means any intoxicating or narcotic preparation of opium and of the poppy except—

(i) poppy-heads as hereinafter defined, and

(ii) morphia or morphia drugs as defined in the Morphia Rules of the Civil and Military Station of Bangalore.

6. 'Licensed Chemist' means a person who has obtained from the Collector a license for the retail sale of opium and intoxicating drugs, other than those used for smoking, for medicinal purposes.

7. 'Licensed dealer in opium for medicinal purposes' means a person who has obtained from the Collector a special license for the sale by wholesale in the Civil and Military Station of Bangalore of opium and intoxicating drugs, other than those used for smoking, for medicinal purposes.

8. 'Licensed vendor' means a person who has obtained from the Collector a license for the retail vend only of opium or of intoxicating drugs other than those used for smoking.

9. 'Opium' means the inspissated juice of the poppy and includes poppy-heads which have not been lanced and dried or from which the juice has not been extracted.

10. 'Poppy-heads' means the heads or capsules of the poppy-plant which have been lanced and dried or from which the juice has been extracted.

11. 'Seer' means a weight of 80 tolas.

12. 'Tola' means a weight of 180 grains troy.

13. The sale of any quantity exceeding one tola of opium or intoxicating drugs other than those used for smoking <sup>1</sup>[containing more than one tola of opium] by a licensed dealer in opium for medicinal purposes is a sale by 'wholesale.' The maximum limit of sale by wholesale will be—

Such quantities of opium or preparations thereof as may be declared by the Surgeon-General with the Government of Madras to be equivalent to (a) 120 grains of morphia in the case of issues to approved practitioners residing in the Civil and Military Station of Bangalore, other Provinces in British India and in adjoining Native States, and to such persons in Native States as may be especially authorized or permitted by competent authority to hold quantities exceeding the retail limit and (b) 240 grains in the case of issues to recognised medical institutions in the Civil and Military Station of Bangalore, other Provinces in British India and in adjoining Native States, and to licensed chemists in those States.

The Collector may however permit sales in excess of these limits in special cases to persons residing within the limits of the Civil and Military Station of Bangalore.

<sup>1</sup>[14. The sale of any quantity of opium not exceeding one tola or of intoxicating drugs other than those used for smoking containing not more than one tola of opium is a "sale by retail."]

#### MANUFACTURE.

II. The manufacture of intoxicating drugs is permitted—

(a) by any person, for his private consumption and not for sale, in such quantities and from such opium as he may be entitled to possess under rule III or rule VII;

(b) by any licensed vendor or licensed dealer in opium for medicinal purposes or licensed chemist in accordance with the terms of his license.

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<sup>1</sup> Inserted and added by Notification No. 96, dated the 28th October, 1925. *Mysore Residency Orders*, 1925, Pt. I, p. 46.

For the purposes of clause (a), the words 'intoxicating drugs' shall be deemed to include intoxicating and narcotic preparations of opium and of the poppy which are used for smoking.

III. 1. <sup>1</sup>[No person shall be in possession of or attempt to obtain possession of]—

- (a) any quantity exceeding one tola of opium or intoxicating drugs other than those used for smoking <sup>2</sup>[containing not more than one tola of opium];
- (b) any quantity exceeding half a tola of intoxicating drugs used for smoking.

Provided that the said articles, not being intoxicating drugs used for smoking, shall have been obtained by purchase from a licensed vendor or licensed chemist; or being intoxicating drugs, whether used for smoking or for other purposes, shall have been manufactured for private consumption from opium so obtained.

2. Any approved practitioner may have in his possession for use in the exercise of his profession, but not for sale, such quantities of opium and preparations thereof as may be declared by the Surgeon-General with the Government of Madras to be equivalent to 120 grains of morphia.

IV. Any licensed vendor may have in his possession any quantity, permitted by the terms of his license, of opium and intoxicating drugs, other than those used for smoking.

V. A licensed dealer in opium for medicinal purposes may have in his possession for sale for medicinal purposes only, such quantities of opium and intoxicating drugs, other than those used for smoking, as may be required by him.

VI. Any licensed chemist may have in his possession for purposes of retail sale any quantity not exceeding half a seer of opium or intoxicating drugs other than those used for smoking [containing not more than half a seer of opium].<sup>2</sup>

VII. Any person who is specially authorized by the Collector with the sanction of the Resident, but not otherwise, may have in his possession such quantity of opium or intoxicating drugs as his special authority may cover.

<sup>2</sup>[VII-A. Every bottle or package containing intoxicating drugs shall be marked with the percentage or proportion or amount of opium contained in the intoxicating drugs.]

<sup>1</sup> Substituted with consequential amendments of III. 1 by Notification No. 30, dated the 20th March, 1923. *Mysore Residency Orders*, 1923, Pt. I, p. 92.

<sup>2</sup> Inserted and added by Notification No. 96, dated the 28th October, 1925. *Mysore Residency Orders*, 1925, Pt. I, p. 46.

TRANSPORT.

VIII. The transport of opium and intoxicating drugs other than those used for smoking by licensed vendors, licensed dealers in opium for medicinal purposes and licensed chemists is permitted under the following rules IX to XIV.

IX. Opium transported from the Resident's Treasury shall be covered by a pass granted by the officer in charge.

X. A copy of every pass granted under rule IX shall be sent to the Superintendent of Excise.

XI. Transport from one shop to another of opium or intoxicating drugs, other than those used for smoking, may be permitted under the special orders of the Collector.

XII. Transport of opium or intoxicating drugs, other than those used for smoking, from the shop of one licensed dealer in opium for medicinal purposes, to that of another in the Civil and Military Station of Bangalore or to that of any licensed chemist elsewhere in British India shall be covered by a pass granted by the Collector or the licensed dealer.

XIII. Every pass issued under rules IX, XI and XII shall be retained in the shop of the licensed vendor or licensed dealer in opium for medicinal purposes or licensed chemist to which the consignment is made.

XIV. Any Revenue Officer not inferior in rank to a Revenue Inspector, any Excise Officer not inferior in rank to a Sub-Inspector or any Police Officer not inferior in rank to a head constable may at any time examine any consignment of opium or intoxicating drugs in transit. If, after such examination, the officer finds that the quantity of opium or intoxicating drugs transported corresponds with the quantity specified in the pass, the consignment shall be allowed to proceed. Otherwise the consignment shall be retained pending the orders of the Collector who may charge, in respect of any excess or deficiency double the rates payable under rule XVIII for opium supplied from the Treasury and may also on proof of malpractice withdraw the licensed vendor's, dealer's or chemist's license and otherwise deal with him as provided in the Opium Act of 1878.

IMPORT.

XV. 1. That import of opium on account of the Government shall be permitted on the condition that the opium is covered by a pass granted by the Collector.

2. A pharmacist may, with the special permission of the Collector and subject to such conditions as the Collector may prescribe, import

such preparations or admixtures of opium or intoxicating drugs prepared from the poppy (other than preparations or admixtures of opium used for smoking), as are not locally procurable, to the extent of the quantities of the said articles of which he is permitted by these rules to be in possession.

Provided the restriction shall not apply to the free import of opium from other provinces or from Native States in quantities not exceeding one tola by *bonâ fide* travellers for their personal consumption.

Every consignment of the articles imported under this rule shall be transported under cover of the receipt granted on payment of the customs duty or under the special orders of the Collector.

#### EXPORT.

XVI. Opium or intoxicating drugs, other than those used for smoking, may be exported (1) to Mysore and Hyderabad under a pass granted by the Residents of those States respectively, (2) to the British provinces of Bombay, Madras and Coorg with the special permission of the Resident in each case.

The import, transport and export of opium or intoxicating drugs, other than those used for smoking, in transit through British territory from one portion to another of the Native States of Mysore, are permitted subject to such Regulations as may be prescribed by the Resident from time to time in this behalf.

XVII. <sup>1</sup>[The transmission by inland post of preparations and mixtures of, or intoxicating drugs prepared from, poppy other than those used for smoking by licensed chemists will be permitted, subject to the following conditions:—

1. Only the parcel post shall be used.
2. The parcels shall be insured.
3. The parcels shall be covered by permits issued by the proper authorities in the province to which the parcels are addressed.
4. The parcels shall be accompanied by a declaration stating the names of the consignee or consignor, the contents of the parcels in detail, the permit number and date covering the transmission and the number of the license held by the consignee.
5. The consignee shall show distinctly in his account books the name of the consignor and the quantity of drugs sent to him from time to time by post].

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<sup>1</sup> Substituted by Notification No. 35, dated the 17th March, 1926. *Mysore Residency Orders*, 1926, Pt. I, p. 95.

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SALE.

XVIII. Opium will be supplied on prepayment of the issue price at such rates as the Resident may from time to time prescribe by notification in the Residency Orders at the Resident's Treasury in quantities of half a seer of opium or multiples thereof to any licensed vendor or to any licensed dealer in opium for medicinal purposes or to any licensed chemist.

XIX. Opium or intoxicating drugs other than those used for smoking may be sold wholesale by licensed dealers in opium for medicinal purposes in the Civil and Military Station of Bangalore only—

- (a) to the other licensed dealers in opium for medicinal purposes or to licensed chemists in the Civil and Military Station of Bangalore;
- (b) to Government, Municipal, Local Fund or other aided Mission Hospitals;
- (c) to persons permitted to export the drugs to the Native States of Mysore and Hyderabad or the British Provinces of Bombay, Madras or Coorg;
- (d) to any approved practitioner or any person authorized by the Collector with the sanction of the Resident under rule VII to possess opium or intoxicating drugs in excess of the limits prescribed in rule III (1).

XX. Opium or intoxicating drugs, other than those used for smoking, may be retailed under license from the Collector and in accordance with the conditions specified in the license.

XXI. A licensed vendor may sell by retail at one time to any person up to one tola of opium or intoxicating drugs other than those used for smoking, '[containing not more than one tola of opium].

XXII. The Collector may from time to time fix the prices or fix the maximum and minimum prices at which opium or intoxicating drugs other than those used for smoking may be retailed in any particular locality and may restrict the supply to shops at any time during the currency of the lease on suspicion of malpractice.

LICENSES.

XXIII. Licenses may be granted by the Collector—

- 1. for the retail vend of opium or for the manufacture and retail vend of intoxicating drugs other than those used for smoking either jointly or severally;

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<sup>1</sup> Added by Notification No. 96, dated the 28th October, 1925. *Mysore Residency Orders*, 1925, Pt. 1, p. 46.

2. for the wholesale vend of opium or for the manufacture and vend of intoxicating drugs other than those used for smoking, by licensed dealers in opium for medicinal purposes in the Civil and Military Station of Bangalore, for medicinal purposes only;
3. for the retail vend of opium or for the manufacture and retail vend of intoxicating drugs, other than those used for smoking by licensed chemists, for medicinal purposes only.

At the commencement of each year the monopoly of vend at shops for the retail vend of opium or intoxicating drugs other than those used for smoking or both shall be put up to auction and may in special cases be granted on tender or for fixed fees as the Resident may order.

XXIV. The Collector may cancel or suspend a license or pass granted under the Opium Act or under these rules or may fine the holder thereof—

- (a) if any of the fee or duty payable by the holder thereof be not duly paid; or
- (b) in the event of any breach by the holder of such license or pass or by his servant or by any one acting with his express or implied permission on his behalf, of any of the terms or conditions of such license or pass; or
- (c) if the holder thereof is convicted of any offence against the Opium Act or any other law for the time being in force relating to the Excise Revenue or of a breach of the peace or of any other criminal offence; or
- (d) If the conditions of the license or pass provide for such cancellation or suspension at the will of the Collector.

XXV. (1) If any licensed vendor has in his possession, on the expiry, cancellation or forfeiture of his license, any opium or intoxicating drugs other than those used for smoking, which he is unable to dispose of to the satisfaction of the Collector by private sale to other licensed vendors, he shall surrender the same to the Collector; and the incoming licensed vendor or, if the expired, or cancelled or forfeited license is not renewed, any licensed vendor within the Civil and Military Station of Bangalore when required by the Collector, shall be bound to purchase the articles aforesaid to the extent of 2 months' supply at such price and in such quantities as the Collector shall adjudge; provided that the price of opium thus adjudged shall in no case exceed the rate at which it can be procured from the Government; provided also that if such articles be declared by the Residency Surgeon or the Board of Revenue, Madras, to be unfit for use, the Collector shall cause them to be destroyed.

(2) In cases in which a license is suspended, the licensee shall surrender the stock in his possession to the Collector, to be returned to him



or disposed of as provided in the case of expired or cancelled licenses according as the suspended license is afterwards restored or cancelled.

#### DISPOSAL OF THINGS CONFISCATED.

XXVI (i) <sup>1</sup>[Samples of opium confiscated under the Opium Act, 1878, will be forwarded to the Commissioner of Excise, Madras for analysis. On receipt of the analysis report from Madras, confiscated opium will be reissued to the licensees of the Station if found fit for consumption, or destroyed by the Assistant Commissioner of Excise if found unfit for consumption. The charge for analysis, rupees ten for each analysis, shall be met from the revenues of the Assigned Tract and shown under 6 Excise—Contingencies—Miscellaneous.]

(ii) Intoxicating drugs confiscated under the said Act shall be immediately destroyed.

#### REWARDS TO BE PAID TO OFFICERS AND INFORMERS.

XXVII. When any Magistrate convicts an offender under section 9 of the Opium Act, 1878, or when any Magistrate or other authorised officer orders the confiscation of opium or intoxicating drugs under section 12, the Collector may grant a reward not exceeding the value of the opium or intoxicating drugs confiscated in the case *plus* the amount of any fine imposed, in such proportions as he may think fit, to any person or persons who have contributed to the seizure of the opium or intoxicating drugs or the conviction of the offender. If in any case the reward which may be granted under this rule is inadequate or if no fine is imposed or confiscation ordered, or if the fine or forfeiture is not realised, the Collector may grant such reasonable rewards as may seem to him fair.

#### POPPY HEADS.

XXVIII. Poppy-heads may be possessed, transported, sold, imported and exported by any person without restriction.

#### MISCELLANEOUS.

XXIX. The Resident may consistently with the provisions of the Opium Act, 1878, and of these rules, determine from time to time as he shall see fit, in cases of licenses and passes granted.

(a) the fees to be charged for such licenses or passes and the period for which they shall be issued;

(b) the restrictions and conditions under which and the forms in which such licenses and passes shall be granted; and

<sup>1</sup> Substituted by Notification No. 122, dated 18th October, 1924. *Mysore Residency Orders*, 1924, Pt. I, p. 56.

(c) the particulars which such licenses and passes shall contain.

All forms prescribed and subsidiary rules made by the Resident under the above rules shall be published in the Mysore Residency Orders.

\* XXX. The following preparations are exempted from the operation of the Opium Act and may, therefore, be possessed, transported, sold, imported and exported without restriction:—

<sup>1</sup>[(1) Brompton Consumption and Cough Specific.

(2) Mistura Pepsinae Company C. Bismutho.

(3) Linctus Opiatus.

(4) Lotio Plumbi C. Opio.

(5) Mistura Scillae Co.

(6) Syrupus Camphorae Co.

(7) Tintura Anti-periodica.

(8) Pulv. Ipecac Co. or Dover's Powder.

(9) Ung. Gallae C. Opio.

(10) Entéronol or Choléról.

(11) A specific containing opium for cholera, diarrhoea and dysentery prepared by Bell Drug and Chemical Company, London, and labelled as such.]

<sup>2</sup>[(12) Cotarínina.]

<sup>3</sup>[(13) Codenia and its preparations and salts.]

[Mysore Residency Orders, 1921, Pt. I, p. 11.]

*Subsidiary rules and forms.*

No. 38, dated the 27th May, 1921.—With reference to the Opium Rules contained in Residency Notification No. 36,<sup>4</sup> dated the 27th May 1921, published on pages 11 to 16 of the Mysore Residency Orders, dated 1st June 1921, the Hon'ble the Resident in Mysore hereby prescribes and publishes under rule XXIX the following subsidiary rules and forms in supersession of all previous notifications. The rules will come into force from 1st June 1921 except with regard to licensed vendors of opium, in which case the rules will come into force from 1st July 1921.

\* Note.—This rule should not be understood to permit the import of the articles specified in it by post from foreign countries which has been absolutely prohibited by the Government of India Notification No. 720—79, dated the 4th February, 1911.

<sup>1</sup> Substituted by Notification No. 30, dated the 26th March, 1923. *Mysore Residency Orders*, 1923, Pt. I, p. 92.

<sup>2</sup> Added by Notification No. 78, dated the 12th July, 1923. *Mysore Residency Orders*, 1923, Pt. I, p. 16.

<sup>3</sup> Added by Notification No. 43, dated the 1st April, 1926. *Mysore Residency Orders*, 1926, Pt. I, p. 103.

<sup>4</sup> Printed *supra*, p. 240.

RULES.

Stocks of opium will be maintained at the Hon'ble the Resident's Treasury, Civil and Military Station, Bangalore, hereinafter called the Treasury, for supply to licensed vendors, licensed dealers in opium or licensed chemists.

II. No opium shall be removed from the Treasury until application in writing has been made to the Officer in charge of the treasury and a pass for its removal has been obtained from him.

III. The issue price of opium shall be paid before its removal from the Treasury at such rates as may be fixed and notified in the Treasury at which purchase is to be made.

IV. Opium will be issued from the Treasury in quantities of half seer of opium or multiples thereof, incakes of one seer or half seer and no allowance will be made for any excess or dryage in the cakes.

V. A licensed vendor, a licensed dealer in opium for medicinal purposes or a licensed chemist desiring to procure opium from the treasury, must first pay the issue price at the prescribed rate into the Treasury. He will present with the money a challan which may be obtained from the Treasury Officer. The latter, after assuring himself that the applicant is a licensed vendor, dealer in opium for medicinal purposes or chemist, will grant him a receipt.

VI. The licensed vendor, dealer in opium for medicinal purposes or chemists or his authorised agent must then apply to the Officer in charge of the Treasury for the issue of the opium and for a pass to cover its transport and must produce the Treasury receipt with the application. The Officer in charge will thereupon issue the opium and grant a pass.

VII. Purchasers of opium should make their own arrangements for its removal from the Treasury.

VIII. Any person found guilty of any breach of the Opium Act, 1878, or of any rule framed thereunder or otherwise committing any offence in respect of the Treasury or Treasury officials, or of any property contained in the Treasury may be excluded from the Treasury by the order of the Officer in charge.

FORMS.

1. *Form O-1.*—License granted to licensed vendors.
2. *Form O-2.*—Special wholesale license to licensed dealers in opium for medicinal purposes in the Civil and Military Station of Bangalore.
3. *Form O-3.*—Special retail license to licensed chemists.
4. *Form O-4.*—Register of receipts and sales of opium in shops.

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5. *Form O-5.*—Register of receipts and sales of intoxicating drugs made from opium or the poppy, and used for purposes other than smoking, in shops.

6. *Form O-6.*—Form of accounts to be maintained by O-2 and O-3 licensees.

7. *Form O-7.*—Application to the Officer in charge of the Treasury for the issue of a pass for the transport of opium.

8. *Form O-8.*—Pass for the transport of opium from the Treasury.

The forms and registers required by licensed vendors will be issued at cost price.

FORM O-1.

No.

*License granted to opium shopkeeper to vend opium in the Civil and Military Station of Bangalore.*

I , Collector of the Civil and Military Station of Bangalore, under the provisions of the Opium Act I of 1878, hereby license you son of residing at to establish a shop at in the Civil and Military Station of Bangalore, for the sale of opium and manufacture and sale of intoxicating drugs made from poppy or the poppy therein, from the 1st day of July to the 30th day of June 19 , subject to the following conditions and stipulations to be observed by you the said

:-

(Here enter conditions applicable to Opium licenses.)

*Schedule showing the boundaries of the shop.*

| Street and door number or other particulars. | Bounded on the |         |          |         |
|--|----------------|---------|----------|---------|
|  | North by       | East by | South by | West by |
|  |                |         |          |         |

Dated the day of 19 .

Collector.

FORM O-2.

*Special wholesale license to licensed dealer in opium for medicinal purposes in the Civil and Military Station of Bangalore.*

Number of license in Register.

Name and description of licensed dealer.

Place of business of licensed dealer.

Be it known that \_\_\_\_\_, resident of the Civil and Military Station of Bangalore following the profession of licensed dealer in opium for medicinal purposes is hereby authorised by the Collector of the Civil and Military Station of Bangalore to possess and sell opium and to manufacture and sell intoxicating drugs other than those used for smoking, for medicinal purposes only, from the 1st day of April 19\_\_\_\_ to the 31st day of March 19\_\_\_\_ subject to the following conditions:—

CONDITIONS.

The licensee shall be bound by the provisions of the Opium Act, by the rules prescribed thereunder in the Notification of the Hon'ble the Resident No. 36, dated the 27th May 1921 published on pages 11 to 16 of the Mysore Residency Orders, dated 1st June 1921 and by any additional general or special rules which may from time to time be notified.

II. The licensee shall not have in his possession at any one time more than \_\_\_\_\_ of opium and <sup>1</sup>[of intoxicating drugs other than those used for smoking containing more than \_\_\_\_\_ of opium] and shall obtain his supplies of opium either by direct importation under rule XV, or by purchase from the Treasury or from a licensed vendor or from any other licensed dealer in British India. He shall procure his supplies of intoxicating drugs either by importation or by purchase from any other licensed dealer in British India or by manufacture from opium lawfully possessed by him.

No consignment of opium or intoxicating drugs other than those used for smoking imported by land shall be opened before it has been verified and passed by an authorised Government Officer.

<sup>1</sup>[II-A. The licensee shall mark every bottle or package containing intoxicating drugs with the percentage or proportion or amount of opium contained in the intoxicating drugs.]

III. The licensee shall not keep or sell such opium or intoxicating drugs other than those used for smoking or manufacture such intoxicating drugs in virtue of this license at any place except the premises specified above nor sell such opium, etc., except for medicinal purposes.

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<sup>1</sup> Substituted and inserted by Notification No. 96, dated the 28th October, 1925. *Mysore Residency Orders*, 1925, Pt. I, p. 46.

IV. The licensee shall sell *bona fide* as medicine, only—

- (a) to other licensed dealers in opium for medicinal purposes in the Civil and Military Station of Bangalore or to licensed chemists within British India;
- (b) to Government, Municipal, Local Fund and other aided Mission hospitals;
- (c) to persons permitted to export the drugs to Native States or other British Provinces;
- (d) to any approved practitioner; or
- (e) to any person specially authorised by the Collector with the sanction of the Resident under rule VII to possess opium or intoxicating drugs in excess of the limits of private possession, opium intoxicating drugs not exceeding the quantities which such dealers, chemists, institutions, practitioners or persons may lawfully possess.

Transport of opium or intoxicating drugs other than those used for smoking from one licensed dealer's shop to another in the Civil and Military Station of Bangalore or to any licensed chemist's shop in British India shall be covered by a pass granted by the Collector or the licensed dealer in opium.

V. The licensee shall, on requisition by the Collector or by an officer duly authorised by him, deliver up his license for amendment or for issue of a fresh license.

VI. The licensee shall maintain true accounts of all transactions in the prescribed form. Passes for opium or intoxicating drugs received should be carefully filed.

VII. Stocks of opium and of intoxicating drugs other than those used for smoking and all accounts and records of transactions under this license shall be open to inspection by an officer of the Excise Department not lower in rank than Sub-Inspector.

<sup>1</sup>[All such accounts and records of transactions shall be preserved for not less than two years from the date of the last entry.]

VIII. In case of breach of any of the conditions of this license the Collector may impose a fine not exceeding Rs. 100 for every such breach of such condition or may cancel the license forthwith.

IX. The imposition of a fine or cancellation of the license shall not operate as a bar to prosecution under the Opium Act I of 1878.

X. If the licensee shall have in his possession on the expiry, cancellation or suspension of his license, any stock of opium or intoxicating drugs other than those used for smoking, he shall surrender the same to the Collector. The licensee shall be bound to purchase in such quantities not exceeding that which he is likely to sell in two months and at

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<sup>1</sup> Inserted by Notification No. 80, dated the 20th March, 1923. *Mysore Residency Orders*, 1923, Pt. I, p. 92.

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such rates the Collector may direct, any opium or intoxicating drugs that may be delivered up to the Collector by any licensee whose license has expired or has been withdrawn.

Dated the

day of 19

Collector.

The maximum limit of sale in the case of approved practitioners and recognised medical institutions will be respectively such quantities of opium or preparations thereof as may be declared by the Surgeon General to the Government of Madras to be equivalent to 120 and 240 grains of morphia.

<sup>1</sup>[The sale of any quantity of opium exceeding one tola or of intoxicating drugs other than those used for smoking containing more than one tola of opium by a licensed dealer in the Civil and Military Station, Bangalore, is a sale by 'wholesale'.]

To be filled in by the Collector according to requirements.

APPENDIX I.

List of official and non-official preparations of opium other than those exempted from the operation of the Opium Act and Rules with the quantities of each equivalent to 120 grains and 240 grains of morphia.

| Serial No. | Names of preparations.                                   | Amount equivalent to morphia<br>Solids by weights and liquids<br>by volume. |     |              |     |
|------------|--|---|-----|--------------|-----|
|            |  | 120 grains  |     | 240 grains   |     |
|            | OFFICIAL.  |   |     |              |     |
| 1.         | Raw opium . . . . .                                      | 6 2/3 tolas   |     | 13 1/3 tolas |     |
|            |  | Lb.   | Oz. | Lb.          | Oz. |
| 2.         | Extractum opii . . . . .                                 | 0   | 1½  | 0            | 2½  |
| 3.         | Ext. opii liquidum (ordinary and concentrated) . . . . . | 2   | 6   | 4            | 13  |
| 4.         | Injectio morphine hypodermica . . . . .                  | 0   | 5   | 0            | 11  |
| 5.         | Liquor morphine acetatis . . . . .                       | 1   | 11  | 3            | 7   |
| 6.         | Liquor morphine hydrochloratis . . . . .                 | 1   | 11  | 3            | 7   |
| 7.         | Liquor morphine tartratis . . . . .                      | 1   | 11  | 3            | 7   |
| 8.         | Pulv. opii . . . . .                                     | 0   | 2½  | 0            | 5½  |
| 9.         | Tinct. Chlorof. et morphine . . . . .                    | 1   | 11  | 3            | 7   |
| 10.        | Tinct. opii . . . . .                                    | 2   | 5   | 4            | 11  |
|            | NON-OFFICIAL   |   |     |              |     |
| 11.        | Liquor opii sedativus . . . . .                          | 1   | 11  | 3            | 7   |
| 12.        | Vinum opii . . . . .                                     | 1   | 11  | 3            | 7   |
| 13.        | Ferris Nepemthe . . . . .                                | 2   | 5   | 4            | 11  |

<sup>1</sup> Substituted by Notification No. 96, dated the 28th October, 1925. *Mysore Residency Orders*, 1925, Pt. I, p. 48.

CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Orders 255.  
under Acts locally applied.)

| Serial<br>No.       | Names of preparations.  | Amount equivalent to morphia<br>Solids by weights and liquids<br>by volume.  |      |          |     |
|---------------------|---|--|------|----------|-----|
|                     |   | Lb.  | Oz.  | Lb.      | Oz. |
| NON-OFFICIAL—contd. |   |  |      |          |     |
| 14.                 | Acetum opii . . . . .   | 1  | 11   | 3        | 7   |
| 15.                 | Liq. chloro-morphine . . . . .                                  | 1  | 11   | 3        | 1   |
| 16.                 | Tabloidmorphinæ sulphate . . . . .                              | { Such number as at the declared<br>weight of morphia-hydrochlor or<br>morphia sulphate in each tabloid<br>will, in the aggregate amount<br>be 120 grs. or 240 grs. of morphia |      |          |     |
| 17.                 | Tabloidmorphinæ hydrochlor . . . . .                            |  |      |          |     |
| 18.                 | Tabloid opium 1½ grs. . . . .                                   | No. 2400   |      | No. 4800 |     |
| 19.                 | Tabloid opium 1 gr. . . . .                                     | No. 1200   |      | No. 2400 |     |
| 20.                 | Tabloid Dover's powder . . . . .                                | No. 2400   |      | No. 4800 |     |
| 21.                 | Heroin Hydrochloride . . . . .                                  | 120 grs  |      | 240 grs. |     |
| 22.                 | Hydrargyri oleas cum morphinæ . . . . .                         | 0  | 15   | 1        | 14  |
| 23.                 | Liquor bismuthi sedativus . . . . .                             | 22   | 8    | 45       | 0   |
|                     |   |  | Oz   |          | Oz. |
| 24.                 | Confectio opii . . . . .  |  | 100  |          | 200 |
| 25.                 | Liquor morphinæ Bimocoat . . . . .                              |  | 25   |          | 50  |
| 26.                 | Injectio morphinæ et Atrophinæ hypoderm . . . . .               |  | 3    |          | 6   |
| 27.                 | Injectio morphinæ et Acetate hypoderm . . . . .                 |  | 1½   |          | 3   |
| 28.                 | Lamellæ morphinæ { . . . . .                                    | 60,000   |      | 120,000  |     |
|                     |   | (number)   |      |          |     |
| 29.                 | Linctus morphinæ V. C. H. . . . .                               | 450 oz.  |      | 900      |     |
| 30.                 | Inaufvatio morphinæ . . . . .                                   |  | 1½   |          | 3½  |
| 31.                 | Hypodermic Tablets of morphinæ sulph<br>and Atrophinæ sulphate. |  |      |          |     |
| 32.                 | Pulv. Morphinæ effervescence . . . . .                          |  | 187½ |          | 375 |
| 33.                 | Dionine Ethyl morphinæ hydrochloride . . . . .                  |  | 120  |          | 240 |
| 34.                 | Eucodeine methyl codeine bromide . . . . .                      |  | 120  |          | 240 |
| 35.                 | Glyco Heroin . . . . .  |  | 240  |          | 480 |
| 36.                 | Glycaphorum . . . . .   |  | 240  |          | 480 |
| 37.                 | Gutta Rosæ . . . . .  |  | 12½  |          | 25  |
| 38.                 | Papine-Battles . . . . .  |  | 120  |          | 240 |
| 39.                 | Elixir Heroin and Terpin Hydrate . . . . .                      |  | 90   |          | 180 |

APPENDIX II.

The following preparations are exempted from the operation of the Opium Act and may therefore be imported, possessed, transported, sold and exported without restriction, provided that their import by sea shall be permitted only by means other than that of the post:—

- <sup>1</sup>[(1) Brompton Consumption and Cough Specific.
- (2) Mistura Pepsinæ Company C. Bismutho.
- (3) Linctus Opiatus.
- (4) Lotio Plumbi C. Opio.

<sup>1</sup> Substituted by Notification No. 30, dated the 20th March, 1923. *Mysore Resi-  
dency Orders*, 1923, Pt. I, p. 82.



- (5) Mistura Scillæ Co.
- (6) Syrupus Camphoræ Co.
- (7) Tintura Anti-periodica.
- (8) Pulv. Ipecac Co. or Dover's Powder.
- (9) Ung. Gallæ C. Opio.
- (10) Enteronol or Cholerol.
- (11) A specific containing opium for cholera, diarrhoea and dysentery prepared by Bell Drug and Chemical Company, London, and labelled as such.]

<sup>1</sup>[(12) Cotarnina.]

<sup>2</sup>[(13) Codeina and its preparations and salts.]

### FORM O-3.

#### *Special retail license to licensed chemist.*

Number of license in Register.

Name and description of the licensed chemist.

Place of business of licensed chemist.

Be it known that \_\_\_\_\_, resident of the Civil and Military Station of Bangalore following the profession of licensed chemist is hereby authorised by the Collector of the Civil and Military Station of Bangalore to possess and retail opium or intoxicating drugs made from opium other than those used for smoking and to manufacture and retail intoxicating drugs other than those used for smoking for medicinal purposes only from the 1st day of April 19\_\_ to the 31st day of March 19\_\_, subject to the following conditions.

#### CONDITIONS.

I. The licensee shall be bound by the provisions of the Opium Act, by the Rules prescribed thereunder in the Notification of the Resident No. 36, dated the 27th May 1921 published on pages 11 to 16 of the Mysore Residency Orders, dated 1st June 1921 and by any additional general or special rules which may from time to time be notified.

II. <sup>2</sup>[At no time shall the licensee have in his possession, or attempt to have possession of] more than half a seer of opium or intoxicating drugs other than those used for smoking <sup>4</sup>[containing more than half a

<sup>1</sup> Added by Notification No. 78, dated the 12th July, 1923. *Mysore Residency Orders*, 1923, Pt. I, p. 16.

<sup>2</sup> Added by Notification No. 43, dated the 1st April, 1926. *Mysore Residency Orders*, 1926, Pt. I, p. 103.

<sup>3</sup> Substituted by Notification No. 30, dated the 20th March, 1923. *Mysore Residency Orders*, 1923, Pt. I, p. 92.

<sup>4</sup> Added by Notification No. 96, dated the 28th October, 1925. *Mysore Residency Orders*, 1925, Pt. I, p. 46.

seer of opium] and shall obtain his supplies of opium either by direct importation under rule XV or by purchase from the Hon'ble the Resident's Treasury or from a licensed vendor or from a licensed dealer in the Station. He shall procure his supplies of intoxicating drugs either by importation or by purchase from a licensed dealer or by manufacture from opium lawfully possessed by him.

No consignment of opium or intoxicating drugs other than those used for smoking imported by him by land shall be opened before it has been verified by an authorised Government Officer.

<sup>1</sup>[II. A. The licensee shall mark every bottle or package containing intoxicating drugs with the percentage or proportion or amount of opium contained in the intoxicating drugs.]

III. The licensee shall not keep or sell opium or intoxicating drugs other than those used for smoking or manufacture intoxicating drugs in virtue of his license at any place except the premises specified above.

IV. The licensee shall use and sell such opium or intoxicating drugs other than those used for smoking for *bona fide* medicinal purposes only.

V. The licensee, shall, on requisition by the Collector or by any officer duly authorised by him, deliver up his license for amendment or issue of a fresh license.

VI. The licensee shall maintain true accounts of all transactions in the prescribed form. Passes for opium or intoxicating drugs received should be carefully filed.

VII. Stocks of opium and of intoxicating drugs other than those used for smoking and all accounts and records of transactions under this license shall be open to inspection by any officer of the Excise not lower in rank than a Sub-Inspector.

<sup>2</sup>[All such accounts and records of transactions shall be preserved for not less than two years from the date of the last entry.]

VIII. In case of breach of any of the conditions of this license the Collector may impose a fine not exceeding Rs. 100 for every such breach of such condition or may cancel the license forthwith.

IX. The imposition of a fine or cancellation of the license under the foregoing condition shall not operate as a bar to prosecution under the Opium Act, I of 1878.

X. If the licensee shall have in his possession on the expiry, cancellation or suspension of his license any stock of opium or intoxicating drugs other than those used for smoking he shall surrender the same to the Collector. The licensee shall be bound to purchase in such quanti-

<sup>1</sup> Inserted by Notification No. 96, dated the 20th October, 1925. *Mysore Residency Orders*, 1925, Pt. I, p. 46.

<sup>2</sup> Inserted by Notification No. 30, dated the 20th March, 1923. *Mysore Residency Orders*, 1923, Pt. I, p. 92.

ties not exceeding that which he is likely to sell in two months and at such rates as the Collector may direct, any opium or intoxicating drugs that may be delivered up to the Collector by any licensee whose license has expired or has been withdrawn.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
Collector.

<sup>1</sup>[The sale of any quantity of opium not exceeding one tola or of intoxicating drugs other than those used for smoking containing not more than one tola of opium is a sale by 'retail'.]

(Appendix I same as in O-2 license.)

#### APPENDIX II.

The following preparations are exempted from the operation of the Opium Act, and may therefore be imported, possessed, transported, sold and exported without restriction, provided that their import by sea shall be permitted only by means other than that of the post:—

- <sup>2</sup>[(1) Brompton Consumption and Cough Specific.
- (2) Mistura Pepsinæ Company C. Bismutho.
- (3) Linctus Opitatus.
- (4) Lotio Plumbi C. Opio.
- (5) Mistura Scillæ Co.
- (6) Syrupus Camphoræ.
- (7) Tintura Anti-periodica.
- (8) Pulv. Ipecac Co. or Dover's Powder.
- (9) Ung. Gallæ C. Opio.
- (10) Enteronol or Cholerol.
- (11) A specific containing opium for cholera, diarrhœa and dysentery prepared by Bell Drug and Chemical Company, London, and labelled as such.
- <sup>3</sup>[(12) Cotarmine.]
- <sup>4</sup>[(13) Codeina and its preparations and salts.]

<sup>1</sup> Substituted by Notification No. 96, dated the 28th October, 1925. *Mysore Residency Orders*, 1925, Pt. I, p. 46.

<sup>2</sup> Substituted by Notification No. 30, dated the 20th March, 1923. *Mysore Residency Orders*, 1923, Pt. I, p. 92.

<sup>3</sup> Added by Notification No. 78, dated the 12th July, 1923. *Mysore Residency Orders*, 1923, Pt. I, p. 16.

<sup>4</sup> Added by Notification No. 43, dated the 1st April, 1926. *Mysore Residency Orders*, 1926, Pt. I, p. 103.

FORM O-4.

*Register of receipts and sales of opium in the shop at*

| Date. |    | Quantity of opium in store from yesterday. |    | Quantity received this day whence received, and the number and date of permit. |    | Total quantity to be accounted for. |    | Quantity sold this day. |     | Selling price per tola. |    |    | Quantity remaining in store. |  | Name and address of the purchaser of more than 1 tola of opium at a time. |
|-------|----|--|----|--|----|-------------------------------------|----|-------------------------|-----|-------------------------|----|----|------------------------------|--|---|
| 1     | 2  | 3  | 4  | 5  | 6  | 7                                   | 8  |                         |     |                         |    |    |                              |  |   |
|       | S. | T.   | S. | T.   | S. | T.                                  | S. | T.                      | Rs. | A.                      | P. | S. | T.                           |  |   |

FORM O-5.

*Register of receipts and sales of intoxicating drugs made from opium or the poppy and used for purposes other than smoking in the shop at*

| Date. | Quantity of intoxicating drugs other than those made from opium in store from yesterday. |    | Quantity manufactured out of opium this day. |    | Total quantity to be accounted for. |    | Quantity sold this day. |  | Selling price per tola. |    |    | Quantity remaining in store. |    |
|-------|--|----|--|----|-------------------------------------|----|-------------------------|--|-------------------------|----|----|------------------------------|----|
| 1     | 2  |    | 3  |    | 4                                   |    | 5                       |  | 6                       |    |    | 7                            |    |
|       | S.   | T. | S.   | T. | S.                                  | T. | S.                      |  | T.                      | A. | P. | S.                           | T. |
|       |  |    |  |    |                                     |    | Rs.                     |  |                         |    |    |                              |    |

FORM O-6.

*Form of accounts to be maintained by O-2 and O-3 licensees.*

| Month and date. | Particulars of transactions: Receipt, supply, balance, etc. | Raw opium. | Preparation of opium. |       |       |       |       |       | Number and name in the case of license-holders and name and address in the case of private persons and others. |
|-----------------|---|------------|-----------------------|-------|-------|-------|-------|-------|--|
|                 |   |            |                       |       |       |       |       |       |  |
| 1               | 2   | 3          | 4                     | 5     | 6     | 7     | 8     | 9     | 10   |
| 1920.           |   | Oz.        | O. D.                 | O. D. | O. D. | O. D. | O. D. | O. D. |  |
| 1st April       | On hand   |            |                       |       |       |       |       |       |  |
| 4th April       | From Custom House.  |            |                       |       |       |       |       |       |  |
|                 | Total   |            |                       |       |       |       |       |       |  |
| 6th April       | Issued  |            |                       |       |       |       |       |       |  |
|                 | Balance   |            |                       |       |       |       |       |       |  |
| 8th April       | Issued  |            |                       |       |       |       |       |       |  |

FORM O-7.

One anna

**Court-fee.**

**Stamp**

**To**

THE DEPUTY COLLECTOR IN CHARGE THE

HON'BLE THE RESIDENT'S TREASURY, BANGALORE.

SIR,

I beg to request that you will be good enough to deliver to me  
Seer    talas of opium from the  
Hon'ble the Resident's Treasury in your charge and to issue a pass for  
the transport of the drug.

2. The Treasury receipt for the price of the drug is herein enclosed for information.

I beg to remain,

Sir,

Your most obedient servant,

Licensed vendor, chemist or druggist  
License No. \_\_\_\_\_

Dated Bangalore, 19

|   |  |  |      |
|---|--|--|------|
| FORM O-3.   |  | FORM O-3.  |      |
| Counterfoil.  | Pass for the transport of opium                                  | No.  | Date |
| No.   | No.  | No.  | To   |
| Shop-keeper's name  | at   | The Superintendent of Excise,                                    |      |
| Number of license   | is hereby permitted to transport                                 | C. & M. Station, Bangalore.                                      |      |
| Locality  | seers  |  |      |
|   | tolas of opium from the Hon'ble the                              |  |      |
| S. T.   | Resident's Treasury, C. and M. Station,                          |  |      |
|   | Bangalore for sale at his shop                                   |  |      |
|   | The consignment is in charge of                                  |  |      |
| Quantity of opium   | The pass is current for  | I have the honour to advise you of the                           |      |
| Chest or box No.  | hours and must always be carried                                 | despatch this day of the consignment of                          |      |
| Pago of opium stock book  | with the consignment.  | seers  |      |
| Period of currency  | It should be filed in the shop.                                  | tolas of opium to the  |      |
| Date  | C. and M. Station,   | shop No.   |      |
|   | Bangalore  | at   |      |
|   | Date   | under transport pass of the same                                 |      |
| Letter of advice sent to the Superintendent of Excise, C. and M. Station, Bangalore | 19   | number and date.   |      |
|   |  | I have the honour to be,   |      |
|   |  | Sir,   |      |
|   |  | Your most obedient servant.                                      |      |
| Deputy Collector in charge, the Hon'ble the Resident's Treasury.                    | Deputy Collector in charge, the Hon'ble the Resident's Treasury. | Deputy Collector in charge, the Hon'ble the Resident's Treasury. |      |
|   |  | [Mysore Residency Orders, 1921, Pt. I, p. 16.]                   |      |

*Morphia Rules.*

No. 39, dated the 27th May, 1921.—In exercise of the powers conferred by sections 5 and 13 of the Opium Act, 1878 (I of 1878), as applied to the Civil and Military Station of Bangalore, and with the previous sanction of the Governor General in Council, the Hon'ble the Resident in Mysore is pleased to make the following rules to regulate the manufacture, possession, import, export, transport and sale of morphia drugs in the Civil and Military Station of Bangalore.

These rules may be cited as the Bangalore Civil and Military Station Morphia Rules of 1921, and shall come into force from 1st June 1921.

I.—INTERPRETATION.

2. In these rules, unless there is something repugnant in the subject or context:—

- (a) "The Act" means the Opium Act, 1878.
- (b) "Approved practitioner" means—
  - (i) any person registered as a medical practitioner under the Medical Act, 1858, and any Act of Parliament amending the same, or under any law for the registration of medical practitioners for the time being in force in any part of British India or
  - (ii) any person registered as a dentist under the Dentists' Act, 1878, and any Act of Parliament amending the same, or
  - (iii) any person possessed of qualifications which render him eligible for registration as a medical practitioner or dentist, as the case may be, under the Medical Act, 1858, the Dentists' Act, 1878, and any Act of Parliament amending the same Acts, or under any law for the registration of medical practitioners or dentists for the time being in force in any part of British India, and approved by the Collector for the purpose of these rules, or of corresponding rules for the time being in force in any part of British India,
  - (iv) any other person engaged in medical or veterinary practice and approved by the Chief Excise Authority for the purpose of these rules or of corresponding rules for the time being in force in any part of British India.
- (c) "Chief Excise Authority" means the Hon'ble the Resident in Mysore, who is also the Local Government.
- (d) "Collector" means the Chief Officer in charge of the revenue administration of the Civil and Military Station of Bangalore for the time being, and includes any officer specially

authorized by the Local Government and the Chief Excise Authority to exercise, throughout the province or in any specified area therein of all or any of the powers of a Collector under these rules.

- (e) "Licensed Chemist" means a person who has obtained a license under these rules for the manufacture, possession and sale on prescription of morphia drugs.
- (f) "Licensed dealer in morphia" means a person who has obtained a license under these rules for the manufacture, possession and sale otherwise than on prescription of morphia drugs.
- (g) "Local Government" means the Hon'ble the Resident in Mysore.
- (h) "Morphia drug" means any alkaloid of opium or salt thereof or any preparation containing all these ingredients.
- <sup>1</sup>[(i) 'Prescription' means a prescription given by an approved practitioner for the supply of morphia drugs to a patient in accordance with these rules.]
- (j) "Province" means the Civil and Military Station of Bangalore.

## II.—MANUFACTURE.

3. A licensed dealer in morphia or a licensed chemist may, subject to the conditions of his license, manufacture morphia drugs from opium or morphia drugs, lawfully possessed by him.

4. A licensed chemist may, subject to the provisions of rule 20, dispense morphia drugs on prescription.

## III.—POSSESSION.

5. <sup>2</sup>[No person shall be in possession or attempt to obtain possession of any quantity of morphia drugs unless the same has been at one time dispensed and sold for his use in accordance with the provision of rules 4 and 20, or of corresponding rules for the time being in force in any part of British India, or as provided for in rules 6 to 9.]

6. <sup>3</sup>[An approved practitioner may possess for his use in his practice but not for sale morphia drugs containing not more than 120 grains of morphia or active principles of morphia in the aggregate; provided that the Collector may, by special order, authorize any such practitioner to possess as aforesaid any larger quantity].

<sup>1</sup> Substituted by Notification No. 87, dated the 24th July, 1924. *Mysore Residency Orders*, 1924, Pt. I, p. 18.

<sup>2</sup> Substituted by Notification No. 30, dated the 20th March, 1923. *Mysore Residency Orders*, 1923, Pt. I, p. 92.

<sup>3</sup> Substituted by Notification No. 96, dated the 28th October, 1925. *Mysore Residency Orders*, 1925, Pt. I, p. 46.



7. A person authorised in this behalf by the Collector by an order made under rule 22 may import morphia drugs in such quantity and in such manner as may be specified in that order.

8. A licensed dealer in morphia or licensed chemist may possess morphia drugs in such quantity and in such manner as may be specified in his license.

9. A person to whom a pass has been granted under these rules for the import, export or transport of morphia drugs may possess morphia drugs in such quantity and in such manner as may be specified in his pass.

#### IV.—IMPORT, EXPORT AND TRANSPORT.

10. Any person may import, export and transport such quantity of morphia drugs as he may lawfully possess under rule 5.

11. An approved practitioner may import, export and transport such quantity of morphia drugs as he may lawfully possess under rule 6.

12. A person authorised in this behalf by the Collector by an order made under rule 23 may possess morphia drugs in such quantity and in such manner as may be specified in that order on an indent countersigned by the Chief Medical Officer or Civil Surgeon or Superintendent of the Civil Veterinary Department.

13. A person to whom a pass has been granted under these rules for the import of morphia drugs may import the drugs in such quantity and in such manner as may be specified in the pass granted to him.

14. When a pass has been granted (a), under the rules for the time being in force in one part of British India outside the Province, or (b) by the Resident or Political Agent in any <sup>1</sup>[Indian] State or foreign territory, to transport morphia drugs from the Civil and Military Station of Bangalore into that part of British India, <sup>1</sup>[Indian] State or Foreign territory and when the pass so granted has been countersigned by the Collector as required by rule 26 (1) of these rules, a licensed dealer in morphia may, subject to the conditions of his license, export morphia drugs in such quantity, in such manner, within such period and by such route as may be specified in the pass.

An indent for morphia drugs countersigned by the Chief Medical Officer or Civil Surgeon or Superintendent of the Civil Veterinary Department shall for the purposes of this rule be deemed to be a pass and shall not require further countersignature.

15. A person authorised in this behalf by the Chief Excise Authority by a special order made under rule 23 may export morphia drugs in such quantity and in such manner as may be specified in that order.

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<sup>1</sup> Substituted by Notification No. 87, dated the 24th July 1924. *Mysore Residency Orders*, 1924, Pt. I, p. 18.

16. A person to whom a pass has been granted under these rules for the transport of morphia drugs may transport the drugs in such quantity and in such manner as may be specified in the pass granted to him.

17. Every person importing, exporting or transporting morphia drugs shall comply with such general or special directions as may be given by the Chief Excise Authority.

18. <sup>1</sup>[Nothing in these rules shall be deemed to permit—

(1) the import of morphia drugs,

(a) from any part of British India outside the Station, unless the rules for the time being in force in such part relating to the export of the morphia drugs have been complied with;

<sup>2</sup>[(b) from any foreign territory or Indian State unless an import certificate has been previously obtained from the Hon'ble the Resident in Mysore and unless the duty leviable at the place of importation under the Indian Tariff Act, 1894, or any other enactment for the time being in force, has been paid and the pass has been endorsed by the Customs Collector.]

\*NOTE 1.—This does not apply to the importation of drugs from the Mysore Pharmaceuticals, Ltd., Bangalore City.

NOTE 2.—An application for the import certificate should give (1) the name, address and business of the importer and the port of import, (2) the exact description and quantity of the drug to be imported, (3) the name and address of the firm in the exporting country from which the drug is to be obtained, and (4) the purpose for which the drug is required.

<sup>3</sup>[(2) the export of morphia drugs to any foreign territory or Indian State unless a certificate is produced from the Government of the importing country approving of the import and the Resident's consent to the export is obtained;]

<sup>4</sup>(3) \* \* \* \*

<sup>4</sup>[18-A. The transmission of morphia drugs by inland post by licensed chemists and licensed dealers in morphia for medicinal purposes is permitted, subject to the following conditions:—

1. Only the parcel post shall be used.

2. The parcels shall be insured.

\* Refers to Rule 18 (1) (b).

<sup>1</sup> Substituted by Notification No. 87, dated the 24th July 1924. *Mysore Residency Orders*, 1924, Pt. I, p. 18.

<sup>2</sup> Substituted by Notification No. <sup>66</sup>~~487~~—1926, dated the 22nd August 1924. *Mysore Residency Orders*, 1924, Pt. I, p. 26.

<sup>3</sup> Cancelled by Notification No. 34, dated the 17th March 1926. *Mysore Residency Orders*, 1926, Pt. I, p. 54.

<sup>4</sup> Inserted by ditto.

3. The parcels shall be covered by permits issued by the proper authorities in the province to which the parcels are addressed.
4. The parcels shall be accompanied by a declaration stating the names of the consignee and consignor, the contents of the parcels in detail, the permit number and date covering the transmission and the number of the license held by the consignee.
5. The consignee shall show distinctly in his account books the names of the consignor and the quantity of drugs sent to him from time to time by post.]

V.—SALE.

19. <sup>1</sup>[A licensed dealer in morphia may, subject to the conditions of his licence, sell otherwise than on prescription :—

- (a) to another dealer in morphia or chemist licensed under these rules or under the rules for the time being in force in any part of British India outside the province,
- (b) to an approved practitioner,
- (c) to a person authorised under rule 22 of these rules or under any corresponding rules for the time being in force as aforesaid, morphia drugs not exceeding the quantity which such dealer, chemist, practitioner or person may lawfully possess, provided that :
  - (1) the drug shall not be delivered to any person not licensed or otherwise authorised to be in possession of the drug, who purports to be sent by or on behalf of a person so licensed, or authorised, unless such person produces an authority in writing, signed by the person so licensed or authorised, to receive the drug on his behalf and unless the licensed dealer is satisfied that the authority is genuine,
  - (2) such drugs shall be sold only in packages or bottles plainly marked with the amount of the drugs in each package or bottle and
  - (3) any preparation, admixture, extract or other substance containing such drugs shall be sold only in packages or bottles plainly marked :
    - (a) in the case of a powder, solution or ointment, with the total amount thereof in each package or bottle and the percentage of the drug in each bottle, solution or ointment.
    - (b) in the case of tablets or other articles with the amount of the drug in each article and the number of articles in the package or bottle.]

<sup>1</sup> Substituted by Notification No. 87, dated the 24th July 1924. *Mysore Residency Orders*, 1924, Pt. I, p. 18.

<sup>1</sup>[19-A. Every bottle or package containing morphia drugs shall be marked with the percentage or proportion or amount of morphia or active principles of morphia contained in the drugs.]

20. <sup>2</sup>[A licensed chemist may sell morphia drugs on prescription, subject to the following conditions, namely:—

(a) He shall sell morphia drugs in such quantity and for the use of such person as may be specified in the prescription.

<sup>3</sup>[(b) If the prescription does not bear a superscription by an approved medical practitioner stating that it is to be repeated and at what interval of time it is to be repeated and how many times it is to be repeated, he shall sell morphia drugs once only on such prescription and shall enter on the prescription the date of sale and shall sign or seal the prescription and shall keep a copy of the prescription.]

(c) If the prescription bears any superscription as aforesaid, he shall enter on the prescription the date of sale and shall sign or seal the prescription; provided that if it appears that morphia drugs have already been sold on the prescription three times or such number of times less than three as the prescription is required to be repeated, or that the interval specified in the superscription has not elapsed since the prescription was last dispensed, he shall not sell morphia drugs on such prescription unless it is further superscribed in that behalf by an approved practitioner.

(d) Any other conditions that may be contained in his licence.]

<sup>4</sup>[VI.—CONDITIONS RELATING TO PRESCRIPTIONS.

20A. A prescription for the supply of morphia drugs must comply with the following conditions:—

(1) The prescription shall be given only on the prescribed "Official form" M-5 annexed, copies of which can be purchased from the Office of the Assistant Commissioner of Excise.

(2) The prescription must be in writing, must be dated and signed by an approved medical practitioner with his full name and address and must specify the name and address of the person to whom the prescription is given and the total amount of the drug to be supplied on the prescription.

(3) The prescription shall not be given for the use of the prescriber himself.

<sup>1</sup> Inserted by Notification No. 96, dated the 28th October 1925. *Mysore Residency Orders, 1925, Pt. I, p. 46.*

<sup>2</sup> Substituted by Notification No. 87, dated the 24th July 1924. *Mysore Residency Orders, 1924, Pt. I, p. 18.*

<sup>3</sup> Substituted by Notification No. 15, dated the 12th February 1925. *Mysore Residency Orders, 1925, Pt. I, p. 84.*

<sup>4</sup> Inserted by Notification No. 87, dated the 24th July 1924. *Mysore Residency Orders, 1924, Pt. I, p. 18.*

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(4) A prescription shall only be given by a registered dentist for the purposes of dental treatment and shall be marked "For local dental treatment only."

(5) A prescription shall only be given by a registered veterinary surgeon for the purposes of treatment of animals and shall be marked "For animal treatment only."

(6) An approved practitioner shall not give any prescription for the supply of any of the drugs otherwise than in accordance with the foregoing conditions.]

<sup>1</sup>[VII.—Accounts.

20B. Medical practitioners, registered dentists and registered veterinary surgeons shall maintain accounts in writing in the appended form in respect of morphia drugs dispensed by them. Licensed dealers in morphia and licensed chemists shall maintain record of every sale of the drug in such manner as the Chief Excise Authority may direct. All registers of transactions, documents or prescriptions shall be preserved for not less than two years from the date of the last entry in the register or the date of the documents or prescriptions as the case may be.]

<sup>1</sup>*Form and accounts to be maintained by Medical Practitioners, Registered Dentists and Registered Veterinary Surgeons for morphia drugs dispensed by them.*

| Date. | Purchased.  |                               |           | Dispensed.  |   |                                     |           |
|-------|---|-------------------------------|-----------|---|---|-------------------------------------|-----------|
|       | Name and address of the person from whom purchased. | Description of morphia drugs. | Quantity. | Name and address of the person to whom dispensed. | Authority of the person to be in possession of the morphia drugs. | Description of the drugs dispensed. | Quantity. |
| 1     | 2   | 3                             | 4         | 5   | 6   | 7                                   | 8         |
|       |   |                               |           |   |   |                                     |           |

<sup>1</sup> Inserted by Notification No. 87, dated the 24th July 1924. *Mysore Residency Orders, 1924, Pt. I, p. 18.*

<sup>1</sup>[VIII].—APPROVAL, AUTHORISATION LICENSES AND PASSES.

21. (1) The Chief Excise Authority may approve, for the purposes of rule 2 (b) of these rules, any person engaged in medical or veterinary practice.

(2) The Collector may in like manner approve any person possessed of the qualifications specified in rule 2 (b) (iii).

22. <sup>2</sup>[The Collector may with the sanction of the Chief Excise Authority by special order authorise any approved practitioner in managing or supervising charge of a hospital or dispensary to possess import or transport morphia drugs in such quantity and in such manner as may be specified by him in that order.]

23. The Chief Excise Authority may by special order authorise any person to export morphia drugs.

24. (1) An officer empowered in this behalf by the Chief Excise Authority may grant to any person a morphia dealer's licence, permitting him to manufacture, possess and, subject to the provisions of rule 19, to sell morphia drugs.

<sup>3</sup>[(2) An officer empowered in this behalf by the Chief Excise Authority may grant to any person a chemist's licence, permitting him to manufacture, possess, and subject to the provisions of rule 20, to sell morphia drugs; provided that such licence shall not authorise such chemist to possess morphia drugs containing more than 4 ounces or active principles of morphia in the aggregate.]

25. The Chief Excise Authority or such other officer as the Local Government may empower in this behalf, may grant to any licensed dealer in morphia or licensed chemist a pass for the import of morphia drugs not exceeding the quantity which such dealer or chemist may lawfully possess.

26. (1) When a pass has been granted (a) under the rules for the time being in force in any part of British India outside the Civil and Military Station of Bangalore or (b) by the Resident or Political Agent in any <sup>2</sup>[Indian] State or foreign territory to any person to transport morphia drugs from the Civil and Military Station of Bangalore into such part, State or territory, such person shall present such pass to the Collector who shall enter therein the period for which the pass is to remain in force and the route by which and the person (if any) in whose charge the consignment is to be conveyed and the number and description of the packages, and shall countersign the pass.

<sup>1</sup> Re-numbered by Notification No. 87, dated the 24th July 1924. *Mysore Residency Orders*, 1924, Pt. I, p. 18.

<sup>2</sup> Substituted by ditto.

<sup>3</sup> Substituted by Notification No. 96, dated the 28th October 1925. *Mysore Residency Orders*, 1925, Pt. I, p. 46.

(2) When a pass has been granted to any person under these rules for the import of morphia drugs from foreign territories, such person shall present such pass to the Customs Collector at the place of import, who shall enter therein the particulars specified in sub-rule (1) and shall countersign the pass.

27. The Chief Excise Authority or such other officer as the Local Government may empower in this behalf may grant to any licensed dealer in morphia or licensed chemist a pass for the transport of morphia drugs not exceeding the quantity which such dealer or chemist may lawfully possess.

<sup>1</sup>[Provided that licensed dealers in morphia may grant passes for the transport of morphia drugs sold by themselves to a licensed dealer in morphia or to a licensed chemist.]

28. Subject to the provisions of the Act and of these rules, every license or pass under these rules shall be in such form and shall contain such particulars and shall be granted by such officer on payment of such fees, for such period, and subject to such conditions, as the Chief Excise Authority may direct.

29. (1) Subject to any directions that the Chief Excise Authority may give in this behalf the officer who has granted a license to or has by order approved or authorised any person under these rules may cancel or suspend such license or order or fine such person to a limit of Rs. 50.

(i) if such person has—

(a) failed to pay any duty or fee payable by him,

(b) by himself or by any servant or person acting on his behalf committed any breach of the conditions of such license or order or of these rules,

(c) been convicted of any offence under the Act, or under the law for the time being in force relating to excise revenue, or of any criminal offence;

(ii) if it is a condition of such license or order that it may be cancelled or suspended at the will of such officer,

(iii) in any other case, after giving to such person fifteen days' notice, and shall cancel such license or order within fifteen days on receiving from such person notice that he desires to surrender the same.

(2) When such license or order has been cancelled or suspended as aforesaid, such person shall forthwith make over to the Collector all morphia drugs in his possession.

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<sup>1</sup> Added by Notification No. 70, dated the 3rd September 1928. *Mysore Residency Orders*, 1928, Pt. I, p. 28.

<sup>1</sup>[IX].—DISPOSAL OF MORPHIA DRUGS AND CONFISCATED ARTICLES.

30. The Collector shall cause all morphia drugs confiscated under the Act or delivered to him under rule 29 to be examined by the Chemical Examiner to the Government of Madras or by such other officer as the Chief Excise Authority may direct. If any such morphia drugs are certified by such officer to be fit for use the Collector may sell them to any dealer in morphia or chemist licensed under these rules or under any rules for the time being in force in any part of British India or to any person authorised by an order under rule 22 or any corresponding rules in force as aforesaid. The Collector may require any licensed dealer in morphia or chemist to purchase at such price as the Collector may direct any quantity of such morphia drugs not exceeding such quantity as the Collector may determine to be ordinarily saleable by him in two months. If any such morphia drugs are certified as aforesaid to be unfit for use, the Collector shall cause them to be destroyed.

31. The Collector shall dispose of all other things confiscated in connection with any offence relating to morphia drugs in such manner as he may think fit.

<sup>1</sup>[X].—ISSUE OF SUBSIDIARY ORDERS.

32. Subject to the provisions of the Act and of these rules the Chief Excise Authority may from time to time give such directions as he may think fit for the purpose of carrying out the provisions of the rules.

<sup>1</sup>[XI].—POWERS AND DUTIES OF OFFICERS, APPEALS AND REVISIONS, AND REWARDS.

33. The provisions contained in the rules relating to opium issued by the Local Government under sections 5 and 13 of the Act, shall, in so far as they refer to the powers and duties of officers, appeals and revisions and rewards, apply to the case of morphia drugs also.

<sup>1</sup>[XII].—EXEMPTIONS.

34. The preparations specified in the annexed schedule may be transported, imported, exported, possessed and sold without restriction, provided that their import by sea shall be permitted only by means other than that of the post.

*Schedule.*

<sup>2</sup>[(1) Anodyne pine expectorant.

(2) Apocodeinae hydrochloridum.

<sup>1</sup> Renumbered by Notification No. 37, dated the 24th July, 1924. *Mysore Residency Orders*, 1924, Pt. I, p. 13.

<sup>2</sup> Substituted by Notification No. 30, dated the 20th March, 1923. *Mysore Residency Orders*, 1923, Pt. I, p. 62.



- (3) Syrupus Apomorphinae.
  - (4) Linctus Apomorphinae C. Codeina.
  - (5) Haustus Apomorphini Co.
  - (6) Mistura Apomorphinae et Terebeni.
  - (7) Powell's Balsam of Aniseed.
  - (8) Camphorodyne containing not more than 2 grains of morphia per fluid ounce.
  - (9) Chlorodyne.]
  - <sup>2</sup>[(10) Apomorphinae Hydrochloridum.
  - (11) Mono-ethyl-Morphinae Hydrochloridum Dionin.
  - (12) Syrup Cocillana Compound.]
- [Mysore Residency Orders, 1921. Pt. I, p. 26.]

*Forms and conditions of licenses for vend of morphia drugs.*

No. 41, dated the 27th May, 1921.—In exercise of the powers vested in him by rule 32 of the Bangalore Civil and Military Station Morphia Rules, 1921, published in Residency Notification<sup>1</sup> No. 39, dated the 27th May, 1921, on pages 26 to 29 of the Mysore Residency Orders, dated 1st June, 1921, and with reference to rules 19, 20, 24 and 28 of these rules, the Hon'ble the Resident in Mysore as the Chief Excise Authority, hereby prescribes the following forms and conditions for the grant of licenses for the vend of morphia drugs. They will come into effect on 1st June, 1921.

1. The licenses granted to dealers in morphia for the vend of morphia drugs otherwise than on prescription shall be in form M-1 annexed and those granted to chemists for the vend of morphia drugs on prescription shall be in form M-2 and will be granted by the Collector of the Civil and Military Station of Bangalore. These licenses will be free of fee.

2. Any licensed dealer in morphia or licensed chemist who desires to import morphia drugs whether by sea or by land may do so under the special orders of the Collector, to be obtained in each case.

3. Any licensed dealer in morphia or licensed chemist who desires to transport morphia drugs under rule 27 must obtain from the Collector a transport pass which shall be in form M-3.

<sup>1</sup> Omitted by Notification No. 43, dated the 1st April, 1926. *Mysore Residency Orders*, 1926, Pt. I, p. 103.

<sup>2</sup> Added by Notification No. 78, dated the 12th July, 1923. *Mysore Residency Orders*, 1923, Pt. I, p. 16.

<sup>3</sup> Printed *supra*, p. 262.

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4. The account to be maintained by the morphia licensees shall be in form M-4.

FORMS.

M-1.—License granted to a dealer in morphia in the Civil and Military Station of Bangalore for the vend of morphia drugs otherwise than on prescription.

M-2.—License granted to a chemist for the sale of morphia drugs on prescription only.

M-3.—Transport pass.

M-4.—Form of accounts to be maintained by M-1 and M-2 licensees.

M-5.—Official form of prescription.

FORM M-1.

*License granted to a dealer in morphia in the Civil and Military Station of Bangalore for the vend of morphia drugs otherwise than on prescription.*

No. of license.

Name and description of licensed dealer.

Place of business of licensed dealer.

Be it known that \_\_\_\_\_, resident in the Civil and Military Station of Bangalore following the profession of licensed dealer in morphia is hereby authorised by the Collector to manufacture, possess and sell morphia drugs otherwise than on prescription from the 1st day of April, 19\_\_\_\_ to the 31st day of March, 19\_\_\_\_, subject to the following conditions.

CONDITIONS.

I. The licensee shall be bound by the provisions of the Opium Act by Morphia Rules made thereunder in the Notification of the Hon'ble the Resident, No. 39, dated the 27th May, 1921, published on pages 26 to 29 of the Mysore Residency Orders, dated 1st June, 1921, and by any additional general or special rules which may from time to time be notified.

II. The licensee shall not have in his possession at any one time more than \_\_\_\_\_ ounces of morphia drugs or active principles of morphia] and shall obtain them either by direct importation from a foreign country or from a licensed dealer in the Civil and Military Station of Bangalore, or in any other province of British India or by manufacture from opium or morphia drugs lawfully

<sup>1</sup> Substituted by Notification No. 96/437-1697, dated the 22nd August, 1924. Mysore Residency Orders, 1924, Pt. I, p. 26.

<sup>2</sup> Substituted by Notification No. 96, dated the 28th October, 1925. Mysore Residency Orders, 1925, Pt. I, p. 46.

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possessed by him and shall not receive or have in his possession drugs otherwise obtained. In the case of imports from a foreign country, an Indian State or another province in British India, the licensee should first apply to the Hon'ble the Resident in Mysore stating the name and address of the firm from which he wishes to purchase the drugs required and obtain an import permit before he indents for the drugs. If the Hon'ble the Resident in Mysore is satisfied that the drugs are required solely for medical purposes and that the licensee is authorised to possess the quantity of the drugs required, he will grant an import permit and in the case of drugs imported from a foreign or an Indian State also an import certificate in the prescribed form. The licensee should forward the certificate or the permit to the exporting firm along with his indent for the drugs. No consignment of morphia drugs imported shall be opened before it has been verified and passed by an Excise Officer of the Station. Intimation to the Office of the Assistant Commissioner of Excise should be given as the consignment arrives.

<sup>2</sup>[The import of the drugs from foreign countries by post is absolutely prohibited, but the transmission of the drugs by inland post is permitted, subject to the following conditions:—

1. Only the parcel post shall be used.
2. Parcels shall be insured.
3. The parcels shall be covered by permits issued by the proper authorities in the province to which the parcels are addressed.
4. The parcels shall be accompanied by a declaration stating the names of the consignee and consignor, the contents of the parcels in detail, the permit number and date covering the transmission, and the number of the license held by the consignee.
5. The consignee shall show distinctly in his account books the name of the consignor and the quantity of drugs sent to him from time to time by post.]

III. The licensee shall not manufacture, possess or sell morphia drugs in virtue of this license at any place except the premises specified above.

<sup>3</sup>[Provided that he has not already obtained one from the licensed dealer himself.]

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<sup>1</sup> Omitted by Notification No. 34, dated the 15th March, 1926. *Mysore Residency Orders*, 1926, Pt. I, p. 94.

<sup>2</sup> Added by ditto.

<sup>3</sup> Added by Notification No. 71, dated the 3rd September, 1928. *Mysore Residency Orders*, 1928, Pt. I, p. 24.

<sup>1</sup>[III-A. The licensee shall mark every bottle or package containing morphia drugs with the percentage or proportion or amount of morphia contained in the drugs.]

IV. The licensee shall sell morphia drugs only to—

(a) another licensed dealer in morphia or licensed chemist in the Civil and Military Station of Bangalore or in any part of British India who holds a pass for the transport or export of the drugs,

(b) an approved practitioner,

<sup>2</sup>[(c) a person of any foreign country or Indian State who has a certificate from the Government of the importing country approving of the import and the consent of the Hon'ble the Resident in Mysore,]

<sup>3</sup>[(d) an approved practitioner in managing or supervising charge of a dispensary or hospital specially authorised by the Collector to possess the drugs under rule 22 of the morphia rules, provided that—

(1) the drug shall not be delivered to any person not licensed or otherwise authorised to be in possession of the drug, who purports to be sent by or on behalf of a person so licensed or authorised, unless such person produces an authority in writing, and signed by the person so licensed or authorised, to receive the drug on his behalf and unless the licensed dealer is satisfied that the authority is genuine,

(2) such drugs shall be sold only in packages or bottles plainly marked with the amount of the drugs in each package or bottle, and

(3) any preparation, admixture, extract or other substance containing such drugs shall be sold only in packages or bottles plainly marked—

(a) in the case of a powder, solution or ointment, with the total amount thereof in each package or bottle and the percentage of the drug in the powder, solution or ointment,

(b) in the case of tablets or other articles with the amount of the drug in each article and the number of articles in each package or bottle.

<sup>1</sup> Added by Notification No. 96, dated the 28th October, 1925. *Mysore Residency Orders*, 1925, Pt. I, p. 46.

<sup>2</sup> Substituted by Notification No. 87, dated the 24th July, 1924. *Mysore Residency Orders*, 1924, Pt. I, p. 15.

<sup>3</sup> Added by Notification No. 96—437-1897, dated the 22nd August, 1924. *Mysore Residency Orders*, 1924, Pt. I, p. 26.

But he may not sell in any case more than the quantity which such dealer, chemist, practitioner or person may lawfully possess. Transport of morphia drugs from one licensed dealer's shop to another or any licensed chemist shop in the station shall be covered by a pass granted by the Collector.]

V. The licensee shall on requisition by the Collector or by any other officer duly authorised by him deliver up his license for amendment or for the issue of a fresh license.

VI. The licensee shall maintain true accounts of all transactions in respect of each receipt the source of supply and the quantities received and in respect of each issue, the quantity issued and the name and address of the person to whom it is issued.

<sup>1</sup>[All registers of transactions, documents or prescriptions shall be preserved for not less than two years from the date of the last entry in the register or the date of the documents or prescriptions as the case may be.]

VII. The licensee shall file, in support of his accounts of receipts the Customs receipts for duty paid or invoices of supplies obtained otherwise than by import by sea, and in support of his accounts of issues, a receipt from each person to whom an issue is made or the order on which it is made.

VIII. Stocks of morphia drugs and all accounts and records of transactions under this license shall be open to inspection by an officer of the Excise or Police departments not lower in rank than a Sub-Inspector.

IX. In case of breach of any of the conditions of the license, the Collector may impose a fine not exceeding Rs. 100 for every such breach and may cancel the license forthwith.

X. The imposition of a fine or cancellation of the license under the foregoing condition shall not operate as a bar to prosecution of any offence which may have been committed under the Opium Act I of 1878.

XI. If the licensee shall have in his possession on the expiry or cancellation, or suspension of his license any morphia drugs, he shall deliver them up to the Collector. The licensee shall be bound to purchase in such quantities not exceeding that which he is likely to sell in two months and at such rates as the Collector may direct any morphia drugs that may be delivered up to the Collector, by any licensee whose license has expired or has been withdrawn.

Dated the                      day of                      19   .

Collector.

<sup>1</sup> Added by Notification No. 30, dated the 20th March, 1923. *Mysore Residency Orders*, 1923, Pt. I, p. 82.

APPENDIX.

The following preparations are exempted from the operation of the Opium Act and may therefore, be imported, possessed, transported, sold and exported without restriction provided that their import by sea shall be permitted only by means other than that of the post:—

- <sup>1</sup>[(1) Anodyne pine expectorant.
- (2) Apocodeinae hydrochloridum.
- (3) Syrupus Apomorphinae.
- (4) Linctus Apomorphinae C. Codeina.
- 2\* + \* \* \* \*
- (5) Haustus Apomorphini Co.
- (6) Mistura Apomorphinae et Terebini.
- (7) Powell's Balsam of Aniseed.
- (8) Camphorodyne containing not more than 2 grains of morphine per fluid ounce.
- (9) Chlorodyne.]
- <sup>2</sup>[(10) Apomorphinae Hydrochloridum.
- 2\* \* \* \* \*
- (11) Mono-ethyl-Morphinae Hydrochloridum Dionin.
- (12) Syrup Cocillana Compound.]

FORM M-2.

*License granted to a chemist for the vend of morphia drugs on  
prescription only.*

No. of license.

Name and description of licensed chemist.

Place of business of licensed chemist.

Be it known that \_\_\_\_\_, resident of the Civil and Military Station of Bangalore following the profession of licensed chemist is hereby authorised by the Collector of the Civil and Military Station of Bangalore to manufacture, possess and sell morphia drugs from the 1st day of \_\_\_\_\_ 19\_\_\_\_ to the 31st day of March 19\_\_\_\_, subject to the following conditions.

<sup>1</sup> Substituted by Notification No. 30, dated the 20th March, 1923. *Mysore Residency Orders*, 1923, Pt. I, p. 92.

<sup>2</sup> Omitted by Notification No. 43, dated the 1st April, 1926. *Mysore Residency Orders*, 1926, Pt. I, p. 103.

<sup>3</sup> Added by Notification No. 87, dated the 24th July, 1924. *Mysore Residency Orders*, 1924, Pt. I, p. 18.

CONDITIONS.

The licensee shall be bound by the provisions of the Opium Act by the Morphia Rules published thereunder in the Residency Notification No. 39, dated the 27th May, 1921, published on pages. 26 to 29 of the Mysore Residency Orders, dated 1st June, 1921, and by any additional general or special rules which may from time to time be notified.

<sup>1</sup>[II. The licensee shall not have in his possession at any time [morphia drugs containing more than \* ounces of morphia drugs or active principles of morphia]<sup>2</sup> and shall obtain them either by direct importation from a foreign country or from a licensed dealer in the Civil and Military Station of Bangalore or in any other province of British India or by manufacture from opium or morphia drugs lawfully possessed by him and shall not receive or have in his possession drugs otherwise obtained. In the case of imports from a foreign country, an Indian State or another province of British India the licensee should first apply to the Hon'ble the Resident in Mysore stating the name and address of the firm from which he wishes to purchase the drugs and the quantity of the drugs required and obtain an import permit before he indents for the drug. If the Hon'ble the Resident in Mysore is satisfied that the drugs are required solely for medicinal purposes and that the licensee is authorised to possess the quantity of the drugs required, he will grant an import permit and in the case of drugs that are to be imported from a foreign country or an Indian State also an import certificate in the prescribed form. The licensee should forward the permit or the certificate to the exporting firm along with his indent for the drug. \* \* \* No consignment of morphia drugs imported shall be opened before it has been verified by an Excise Officer of the Station. Intimation to the Office of the Assistant Commissioner of Excise should be given as the consignment arrives.]

<sup>4</sup>[The import of the drugs from foreign countries by post is absolutely prohibited, but the transmission of the drugs by inland post is permitted, subject to the following conditions:—

1. Only the parcel post shall be used.
2. Parcels shall be insured.
3. The parcels shall be covered by permits issued by the proper authorities in the province to which the parcels are addressed.

\* To be filled in by the Collector according to requirements but not exceeding four ounces.

<sup>2</sup> Substituted by Notification No. 96/437-1897, dated the 22nd August, 1924. *Mysore Residency Orders*, 1924, Pt. I, p. 26.

<sup>3</sup> Substituted by Notification No. 98, dated the 28th October, 1925. *Mysore Residency Orders*, 1925, Pt. I, p. 46.

<sup>4</sup> Omitted by Notification No. 34, dated the 17th March, 1926. *Mysore Residency Orders*, 1926, Pt. I, p. 84.

<sup>5</sup> Added by ditto.

4. The parcels shall be accompanied by a declaration stating the names of the consignee and consignor, the contents of the parcels in detail, the permit number and date covering the transmission, and the number of the license held by the consignee.
5. The consignee shall show distinctly in his account books the name of the consignor and the quantity of drugs sent to him from time to time by post.]

III. The licensee shall not manufacture, possess or sell morphia drugs in virtue of this license at any place except the premises specified above.

<sup>1</sup>[III-A. The licensee shall mark every bottle or package containing morphia drugs with the percentage or proportion or amount of morphia contained in the drugs.]

<sup>2</sup>[IV. (a) The licensee shall sell morphia drugs only on prescription and in such quantity and for the use of such person only as may be specified in the prescription.

NOTE.—Prescription means a prescription given by an approved practitioner for the supply of morphia drugs to a patient and it should comply with the following conditions:—

1. The prescription shall be given only on the prescribed Official Form M-5 annexed.
2. The prescription must be in writing, must be dated and signed by the approved practitioner with his full name and address and must specify the name and address of the patient to whom the prescription is given and the total amount of the drug to be supplied on the prescription.
3. The prescription shall not be given for the use of the prescriber himself.
4. A prescription shall only be given by a registered dentist for the purpose of dental treatment and shall be marked "For dental treatment only".
5. A prescription shall only be given by a registered veterinary surgeon for the purpose of treatment of animals and shall be marked "For animal treatment only".
6. An approved practitioner shall not give any prescription for the supply of any of the drugs otherwise than in accordance with the foregoing conditions.

<sup>3</sup>[(b) If the prescription does not bear a superscription by an approved medical practitioner stating that it is to be repeated and at what interval of time it is to be repeated and how many times it is to be repeated, he shall sell morphia drugs once only on such prescription and shall enter on the prescription the date of sale and shall sign or seal the prescription and shall keep a copy of the prescription.]

<sup>1</sup> Added by Notification No. 96, dated the 28th October, 1925. *Mysore Residency Orders, 1925, Pt. I, p. 46.*

<sup>2</sup> Substituted by Notification No. 96/437-1897, dated the 22nd August, 1924. *Mysore Residency Orders, 1924, Pt. I, p. 28.*

<sup>3</sup> Substituted by Notification No. 15, dated the 12th February, 1925. *Mysore Residency Orders, 1925, Pt. I, p. 84.*



(c) If the prescription bears a superscription as aforesaid he shall enter on the prescription the date of sale and shall sign or seal the prescription; provided that if it appears that morphia drugs have already been sold on the prescription three times or such number of times less than three as the prescription is required to be repeated or that the interval specified in the superscription has not elapsed since the prescription was last dispensed, he shall not sell morphia drugs on such prescription unless it is further superscribed in that behalf by an approved practitioner.]

V. The licensee shall on requisition by the Collector or by any officer duly authorised by him deliver up his license for amendment or for the issue of a fresh license.

VI. The licensee shall maintain true accounts of all transactions, which shall show in respect of each receipt, the source of supply and the quantity received and in respect of each issue, the quantity issued and the name and address of the person to whom it is issued and the name of the practitioner on whose prescription it is issued.

<sup>1</sup>[All records of transactions, documents or prescriptions shall be preserved for not less than two years from the date of the last entry in the register or the date of the prescription or documents as the case may be.]

VII. The licensee shall file, in support of his accounts of receipts, the customs receipts for the duty paid on the invoices of the supplies obtained otherwise than by import by sea and in support of his accounts of issues, copies of prescriptions on which they are made.

VIII. Stocks of morphia drugs and all accounts and records of transactions under this license shall be open to inspection by an officer of the Excise Department not lower in rank than a Sub-Inspector.

IX. In case of breach of any of the conditions of this license the Collector may impose a fine not exceeding Rs. 100 for every such breach and may cancel the license forthwith.

X. The imposition of a fine or cancellation of the license under the foregoing condition shall not operate as a bar to prosecution for any offence that may have been committed under the Opium Act I of 1878.

XI. If the licensee shall have in his possession on the expiry, cancellation or suspension of his license any stock of morphia drugs he shall deliver them to the Collector. The licensee shall be bound to purchase in such quantity not exceeding that which he is likely to sell in two months, and at such rates as the Collector may direct, any morphia drugs

<sup>1</sup> Added by Notification No. 30, dated the 20th March, 1928. *Mysore Residency Orders*, 1923, Pt. I, p. 92.

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that may be delivered up to the Collector by any licensee whose license has expired or has been withdrawn.

Dated the            day of            19            .            Collector.

APPENDIX.

The following preparations are exempted from the operation of the Opium Act and may therefore, be imported, possessed, transported, sold and exported without restriction, provided that their import by sea shall be permitted only by means other than that of the post:—

- <sup>1</sup>[(1) Anodyne pine expectorant.
- (2) Apocodeinae hydrochloridum.
- (3) Syrupus Apomorphinae.
- (4) Linctus Apomorphinae C. Codeina.
- 22        °        °        °        °        °        °        °
- (5) Haustus Apomorphini Co.
- (6) Mistura Apomorphinae et Terebeni.
- (7) Powell's Balsam of Aniseed.
- (8) Camphorodyne containing not more than 2 grains of morphine per fluid ounce.
- (9) Chlorodyne.]

FORM M-3.

*Form of pass for the transport of morphia drugs.*

licensed dealer in morphia  
licensed chemist under rule 22 of the Morphia  
Rules of the Civil and Military Station of Bangalore, 19    , is hereby  
permitted to transport    ounces    drams    grains  
from the licensed premises at    to the licensed premises  
of    at    .

This pass must be carried with the consignment the transport of which it is intended to cover and shall be current until

It must be filed in the licensed premises.

Collector.

NOTE.—The pass shall be in duplicate—one copy shall be given to the person in charge of the consignment and the other retained in the office of issue.

<sup>1</sup> Substituted by Notification No. 30, dated the 20th March, 1923. *Mysore Residency Orders*, 1923, Pt. I, p. 92.

<sup>2</sup> Omitted by Notification No. 43, dated the 1st April, 1926. *Mysore Residency Orders*, 1926, Pt. I, p. 103.

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FORM M-4.

| Month<br>and<br>date. | Particulars<br>of transac-<br>tions.<br>receipts, issue,<br>balance, etc. | MORPHIA DRUGS. |                      |                         |                       |                       | Number and<br>name in the<br>case of license<br>holders and<br>the name and<br>address in the<br>case of others. | Name of the<br>practitioner<br>on whose<br>prescription<br>the issue is<br>made. |
|-----------------------|---|----------------|----------------------|-------------------------|-----------------------|-----------------------|--|--|
|                       |   | Morphine.      | Morphine<br>acetate. | Morphine<br>hydrochlor. | Morphine<br>sulphate. | Morphine<br>Turberca. |  |  |
| 1                     | 2   | 3              | 4                    | 5                       | 6                     | 7                     | 8  | 9  |
|                       | On hand .   |                |                      |                         |                       |                       |  |  |
|                       | Received from .   |                |                      |                         |                       |                       |  |  |
|                       | Total .   |                |                      |                         |                       |                       |  |  |
|                       | Issued . .  |                |                      |                         |                       |                       |  |  |
|                       | Balance . .   |                |                      |                         |                       |                       |  |  |

<sup>1</sup>FORM M-5.

Dated

*Official form of Prescription.*

(To be used whenever morphia drugs are prescribed.)

- (1) Name and address of the person to whom the prescription is issued.
  - (2) Description of morphia drugs to be supplied.
  - (3) Amount of morphia drug to be supplied.
  - (4) If to be repeated, how many times and at what interval of time.
- Address.

*Approved Practitioner.*

Dated

Full name and signature.]

[*Mysore Residency Orders, 1921, Pt. I, p. 30.*]

<sup>1</sup> Added by Notification No. 87, dated the 24th July, 1924. *Mysore Residency Orders, 1924, Pt. I, p. 18.*

INDIAN TREASURE TROVE ACT, 1878.

*Rules.*

No. 26, dated the 12th March, 1908.—Under section 19 of the Indian Treasure Trove Act, 1878 (VI of 1878), as applied to the Civil and Military Station of Bangalore, the Resident in Mysore is pleased to make the following rules to regulate proceedings under the said Act.

1. When the finder of any treasure has not deposited it in the Resident's Treasury, or refuses or neglects to give the security required, the Collector may take possession of such treasure and remove it to the Resident's Treasury.

2. The Collector's notification requiring claimants to appear shall be forthwith forwarded to—

- (i) The Publisher of the *Gazette of India* for publication in Part II of the Gazette;
- (ii) The Superintendent of Government Printing, Bengal, for publication in the *Calcutta Gazette*;
- (iii) The Superintendent of the Government Central Press, Bombay, for publication in the *Bombay Gazette*;
- (iv) The Superintendent, Government Press, Madras, for publication in the *Fort St. George Gazette*.

The date on which the notification is published in the *Gazette of India* shall be taken to be the date of publication for the purposes of section 5, clause (a) of the Act, as applied to the Civil and Military Station of Bangalore.

3. The Collector shall, whenever he has made a declaration under section 9 that any treasure is ownerless, and before delivering or dividing the treasure as provided by sections 10-15 of the Act, consult the Superintendent of the Government Central Museum, Madras, as to whether he shall declare his intention to acquire such treasure, or any portion thereof, on behalf of the Government, and shall be guided by his advice. When making the reference the Collector shall furnish the Superintendent of the Government Central Museum with a detailed descriptive list of the objects found indicating which of the objects in the list are likely to prove of historical or archaeological interest.

4. The Superintendent of the Government Central Museum, Madras, shall, on a reference being made to him by the Collector under the last rule, consult the Superintendent of the Archaeological Survey, and also, if he considers it desirable, the Assistant Archaeological Superintendent for Epigraphy, Southern Circle, and any other responsible officer of Government interested in the conservation of objects of historical and archaeological interest whom he may see fit to consult.

5. (7) All coins acquired under the Act on the recommendation of the Superintendent of the Government Central Museum, Madras, shall be sent to the Superintendent, who shall report to the Resident in Mysore their probable numismatic value and submit a distribution list of specimens of each coin which he may consider deserving of preservation. The following institutions shall, after the Superintendent of the Government Central Museum has set apart the coins required for that institution, be supplied, if possible, with one or more specimens in the following preferential order:—

- |  |   |
|--|---|
| (1) The Indian Museum.                   | (7) The Peshawar Museum.                        |
| (2) The Provincial Museum,<br>Lucknow.   | (8) The Ajmere Museum.                          |
| (3) The Lahore Museum.                   | (9) The Quetta Museum.                          |
| (4) The Nagpur Museum.                   | (10) The Rangoon Museum.                        |
| (5) The Public Library, Shillong.        | (11) Asiatic Society, Bengal.                   |
| (6) The Archaeological Museum,<br>Poona. | (12) Bombay Branch, Royal Asia-<br>tic Society. |
|  | (13) The British Museum.                        |
| (14) The Bangalore Museum.               |   |

(2) When only one specimen of a coin is found it shall be preserved in the Government Central Museum, Madras, unless a specimen of it already exists there. If the museum already possesses one or more specimens, or if more specimens than one, but not sufficient for all the institutions named in the preceding clause, are found, the said institutions shall be supplied, in the order prescribed with one specimen each until the specimens are exhausted.

(3) When a find of coins contains more specimens of a single variety than are required for the purpose of presenting one or more coins to each of the said institutions, which requires it, the Superintendent of the Government Central Museum, Madras, may, if the coins are of considerable numismatic value, recommend the acquisition of the whole or any portion of the coins. Surplus coins thus acquired shall be kept for sale at the Government Central Museum by the Superintendent who shall, from time to time, advertise coins in Part II of the *Gazette of India* and also supply lists of coins for sale to numismatists who register their names, and to such Museums and Societies as the Superintendent may consider likely to acquire coins.

6. The Collector may, on the recommendation of the Superintendent of the Government Central Museum, Madras, purchase coins which are of less value than Rs. 10 from finders on the terms laid down in section 16 of the Act. Such coins shall be sent by the Collector to the Superintendent of the Government Central Museum, who shall deal with them in the manner prescribed in the preceding rule.

7. Any coins not sold within six months of the date of advertisement in the *Gazette of India*, which may be considered worth sending, shall be forwarded to the Resident for transmission to the India Office to be presented to select institutions in Europe.

8. The Collector shall put forward the claims of Government under the Act to all valuable copper-plates, inscriptions, etc., in cases to which that Act applies, and officers in all Departments shall report to the Collector any discoveries which may come under their notice.

[*Gazette of India*, 1908, Pt. II, p. 442.]

#### INDIAN ARMS ACT, 1878.

##### *Bangalore Arms Rules, 1924.*

No. 260-G., dated the 31st May, 1924.—In exercise of the powers conferred by sections 4, 17 and 27 of the Indian Arms Act, 1878 (XI of 1878), as applied to the Civil and Military Station of Bangalore, and in supersession of all previous notifications made thereunder the Governor General in Council is pleased to make the following rules:—

1. *Short title.*—(1) These rules may be called the Bangalore Arms Rules, 1924.

(2) They shall come into force on the 1st August, 1924.

2. *Interpretation.*—(1) In these rules, unless there is anything repugnant in the subject or context—

(a) "Form" means a Form as set out in Schedule III;

(b) "the Act" means the Indian Arms Act, 1878, as applied to the Civil and Military Station of Bangalore;

(c) "the Resident" means the Resident in Mysore.

(2) The General Clauses Act, 1897, as applied to the Civil and Military Station of Bangalore shall apply for the purpose of the interpretation of these rules in like manner as it applies for the purpose of the interpretation of an Act of the Governor General in Council, as applied to the said station.

##### *Application of the Act.*

3. *Exemption and exclusion.*—(1) The persons and classes of persons and the arms and ammunition specified or described in Schedules I and II are, respectively, exempted and excluded to the extent and subject to the conditions therein specified from the operation of prohibitions and directions contained in the Act:

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<sup>1</sup> The original footnotes explanatory of this rule are not re-printed.

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Provided that the exemptions specified in Schedule I are made subject to the following conditions, namely:—

- (a) they shall not be deemed to render lawful the import of arms and ammunition through the medium of the Post Office into the area to which these rules apply from the areas of the Mysore State directly administered by His Highness the Maharaja;
- (b) any person so exempted shall register, in such manner as the Resident may prescribe, any firearm or ammunition for the same in respect of which he is exempted from the operation of any provision of the Act;
- (c) every person shall, on the loss or theft of any arm in respect of which he is so exempted, forthwith report the occurrence at the nearest police-station, and
- (d) the Governor General in Council may, by notification in the *Gazette of India*, direct that any such exemption conferred on a class of persons shall cease to apply to any person included in that class who may be named in the notification.

(2) Any person failing to comply with any condition of exemption set out in provisos (b) and (c) to sub-rule (1) shall be deemed to have violated these rules.

4. *Extension.*—For the purposes of the definition of “military stores” in section 4 of the Act all sections of the Act are extended throughout the Civil and Military Station of Bangalore to all lead, sulphur and saltpetre.

*Import.*

5. *Import from British India.*—For import of arms, ammunition, or military stores from British India, a copy of the export licence granted under the Indian Arms Rules, 1924, shall be deemed to be an import licence under section 6 of the Act.

*Export.*

6. *Export to British India.*—For export to British India a copy of the import licence, issued under the Indian Arms Rules, 1924, shall be deemed to be an export licence under section 6 of the Act.

*Manufacture and Sale.*

7. *Manufacture, conversion, sale, and keeping for sale of arms, ammunition or military stores.*—(1) A licence—

- (a) in Form I to manufacture, convert, sale or keep for sale; or
- (b) in Form II to sell and keep for sale, any arms, ammunition or military stores (other than breech-loading rifles, rifle ammu-

dition and military stores for rifles) may be granted by the District Magistrate or other officer empowered by the Resident in that behalf.

<sup>1</sup>[Provided that no such licence shall be granted in the case of pistols or revolvers of '441, '455 or any intermediate bore, or of ammunition which can be fired from such pistols or revolvers.]

(2) A licence—

(a) in Form III to manufacture, convert, sell or keep for sale; or

(b) in Form IV to sell or keep for sale,

breech-loading rifles, rifle ammunition or military stores for rifles may be granted by the Resident:

<sup>2</sup>[Provided that no such licence shall be granted in the case of rifles of '303 or '450 bore or of ammunition which can be fired from such rifles.]

(3) Every Magistrate and every Police officer not below the rank of Inspector, or, if Resident so directs, of Sub-Inspector may, within the local limits of his authority,—

(a) enter and inspect any premises in which arms, ammunition or military stores are manufactured, converted, sold or kept for sale; and

(b) examine the stock and accounts of receipts and sales of arms, ammunition or military stores.

*Keeping for safe custody.*

8. A licence to keep for safe custody fire arms and ammunition deposited by their owners for that purpose may be granted in Form V by the District Magistrate or other officer empowered by the Resident in that behalf to the holder of a licence in Form I, II, III or IV.

*Possession.*

9. *Restriction upon possession of cannon and certain other articles.*—No licence shall be granted for the possession of—

(a) cannon;

(b) articles designed for torpedo service;

(c) War rockets; or

(d) machinery for the manufacture of arms or ammunition.

10. *Possession of arms, ammunition or military stores.*—Save as otherwise provided by rule 9, a licence for the possession only of arms (other

<sup>1</sup> Added by Notification No. 118-G., dated the 9th March, 1925. *Gazette of India*, 1925, Pt. I, p. 217.

<sup>2</sup> Substituted by ditto.



than pistols or revolvers) ammunition or military stores may be granted in Form VI by the District Magistrate or other officer empowered by the Resident in that behalf.

*Possession and use for target practice by clubs, etc.*

11. *Possession and use of fire-arms and ammunition for the purposes of target practice.*—A licence for the possession and use of fire-arms, for the purposes of target practice, by the members of any military mess or of any club or association may, with the sanction of the Resident, be granted in Form VII in the name of the mess, club or association by the District Magistrate or other officer empowered by the Resident in that behalf.

*Possession and going armed.*

12. *Possession of arms and ammunition and going armed for sport, protection or display.*—Save as otherwise provided by rule 9, a licence for the possession of arms and ammunition in reasonable quantities and for going armed for the purpose of sport, protection or display may be granted in Form VIII by the District Magistrate or other officer empowered by the Resident in that behalf: provided that—

- (i) no licence shall be granted for the possession of rifles of '303 or '450 bore or of pistols or revolvers of '441, '455 or any intermediate bore or of ammunition for the same or for going armed with such rifles, pistols or revolvers unless such rifles, pistols or revolvers or such ammunition have been lawfully imported into the Civil and Military Station of Bangalore; and
- (ii) no licence shall be granted in respect of ball'd ammunition for rifles, pistols or revolvers of such bores, unless the authority granting the licence is satisfied that such rifle is lawfully possessed by the owner thereof for sporting purposes or that such pistol or revolver has been lawfully imported into Civil and Military Station of Bangalore, as the case may be, and the amount of ball'd ammunition which such licensee may possess during the period of twelve months next ensuing shall be entered in the licence.

13. *Validity of licence granted in British India.*—A licence granted under rule 33 of the Indian Arms Rules, 1924, may, on countersignature by the District Magistrate or other officer empowered by the Resident in that behalf, be made valid within the limits of the Civil and Military Station of Bangalore subject to any restrictions which may be imposed by any general or special order of the Resident.

*Application for and grant of licences.*

14. *Particulars to be stated in application.*—Every person who wishes to obtain a licence under these rules shall apply in writing, through the medium of the post office or otherwise at his option to the nearest authority empowered to grant such licence, and shall in such application furnish all such particulars as may be necessary to enable such licence to be granted.

15. *Form and language of licence.*—(1) Every licence shall be granted or renewed in the appropriate Form and subject to the conditions set forth in such Form and save as therein otherwise expressly provided, the arms, ammunition or military stores specified and the persons named in the licence shall alone be covered thereby.

(2) Every such licence shall be written or printed in English.

16. *Duration and renewal of licences.*—(1) Save as herein otherwise provided, every licence under these rules shall, unless previously cancelled, be in force for such period and expire on such day as, subject to any restrictions or limitations provided in the appropriate Form, the authority granting it may enter thereon.

(2) Every licence may, at its expiration, and subject to the same conditions (if any) as to previous sanction as would apply in the granting thereof be renewed by the authority who granted it or by any authority empowered to grant a licence of the description in question: provided that a licence in Form III or IV may be renewed either by the Resident or by the District Magistrate.

17. *Discretion and control of authorities empowered to grant licences.*—(1) Any authority empowered to grant or renew a licence may, in his discretion,—

(a) refuse to grant or renew such licence, or

(b) refer the application for orders to the Resident;

provided that in any case in which such authority other than the Resident refuses to grant or renew a licence, the applicant for such grant or renewal may appeal to the Resident, whose decision shall be final.

(2) Every such authority shall exercise all powers and perform all duties, conferred or imposed by these rules, subject to the control of the executive authorities to whom he is subordinate.

18. *Obligation to produce licences.*—(1) Any person who—

(a) holds a licence granted or renewed under these rules, or;

(b) is acting under colour of such licence, shall forthwith produce such licence upon the demand of any Magistrate or of any Police officer of a rank not below that of officer in charge of a police-station.

(2) Nothing in sub-rule (1) shall be deemed to limit or otherwise affect the power of any authority empowered to grant or renew a licence to grant or renew it upon any condition not inconsistent with that sub-rule, with respect to the production of such licence.

19. *Production of arms.*—The authority by whom any licence has been granted under rule 10 or rule 12 may, for the purpose of satisfying himself that any arms covered by such licence are still in the possession of the licensee, at any time while the licence is in force, by order in writing require the licensee to produce the arms at such time and place and for the inspection of such person as may be specified in the order.

#### *Fees.*

20. *Fees payable for licences.*—(1) Every licence granted or renewed under these rules shall, save as herein otherwise expressly provided, be chargeable with the fee (if any) indicated in the Form in which it is granted or renewed under these rules.

(2) The Governor General in Council may, by general or special order, grant exemption from, or reduction of, the fee payable in respect of any licence.

(3) No fee shall be chargeable in respect of the grant or renewal of any licence in Form VIII to any member of any of the classes of persons specified in the first column of Schedule VII to the Indian Arms Rules, 1924, for possession of and going armed with the arms and ammunition specified in the corresponding entry in the second column thereof:

<sup>1</sup>[Provided that if application for renewal is not made within one month of the date on which the license expires, the licensing authority may, in his discretion, levy renewal fees at the rates, specified in form VIII.]

21. *Fees payable for duplicates.*—Where a licence granted or renewed under these rules is lost or accidentally destroyed, the authority empowered to grant such licence may grant a duplicate—

- (a) where the original licence was granted without the payment of any fee, free of all fees; or
- (b) in any other case, on payment of a fee of one rupee or of the fee with which the original licence was chargeable, whichever is less.

22. *Collection and refund of fees.*—(1) All fees payable under rule 20 or rule 21 shall be paid by means of non-judicial stamps or in cash at the option of the applicant.

<sup>1</sup> Added by Notification No. 246-E., dated the 25th April, 1927. *Gazette of India*, 1927, Pt. I, p. 453.

(2) Where a fee of not less than one rupee payable under these rules has been realised, and the application for the grant or renewal of a licence or duplicate is refused, the value of the fee shall be refunded, upon application for the same being made within two months from the date of such refusal.

*Savings.*

23. *Savings.*—All exemptions, exclusions, or withdrawals made, all licences or duplicates granted or renewed, all fees imposed, levied, remitted or reduced, and all power, conferred by or under the Bangalore Arms Rules, 1921, or any notification hereby superseded, and in force at the commencement of this notification, shall, so far as they are consistent herewith, be deemed to have been respectively made, granted, renewed, imposed, levied, remitted, reduced or conferred hereunder.

SCHEDULE I.

(See Rule 3.)

PERSONS EXEMPTED.

The persons or classes of persons specified or described in the first column of the sub-joined table are, subject to the provisions of provisos (b) and (c) to rule 3, exempted, in respect of the arms and ammunition described in the second column, when carried or possessed (save where otherwise expressly stated) for their own personal use, from such prohibitions and directions contained in the Act as are indicated in the fourth column. subject to the provisos and restrictions entered in the third column.

THE TABLE.

| Persons or classes of persons.   | Arms and ammunition.   | Provisos and restrictions.  | Prohibitions and directions.          |
|--|--|---|---------------------------------------|
| I. All persons and classes of persons who in British India are exempted from the prohibitions and directions contained in sections 13 to 15 of the Indian Arms Act, 1878 (XI of 1878). | In respect of such arms and ammunition as are specified in this behalf in respect of such person or class of persons in Schedule 1 to the Indian Arms Rules, 1924. | The arms or ammunition carried or possessed by any person, herein exempted shall be of such description only and shall not exceed such quantities, if any, as the Governor General in Council, or the Resident, may declare to be reasonable for him to carry or possess. | Those contained in sections 13 to 15. |

292 CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Orders  
under Acts locally applied.)

| Persons or classes of persons.   | Arms and ammunition.   | Provisos and restrictions.  | Prohibitions and directions.  |
|--|--|---|---|
| 2. All persons and classes of persons who in the area to which these rules apply occupy positions similar to those held by persons described in entry 1 above and are designated by the Resident.  | All, except—<br>(a) cannon,<br>(b) articles designed for torpedo service,<br>(c) war rockets,<br>(d) rifles of '303 or '450 bore and pistols and revolvers of '441, '455 or any intermediate bore (and ammunition which can be fired from the same) not lawfully imported into the Civil and Military Station of Bangalore.<br>(e) machinery for the manufacture of arms or ammunition, and<br>(f) appliances, the object of which is the silencing of fire-arms.<br>Ditto . . . | The exemption shall be subject to such orders as the Resident may make regarding—<br>(a) the persons to be included in this category.<br>(b) the number of retainers and the quantity and description of arms and ammunition to be permitted in each case.<br>(c) The purposes for which such arms may be carried.<br>(d) The areas within which the exemption is to be allowed.<br><br>Ditto . . . | Those contained in sections 13 to 15.<br><br><br><br><br><br><br><br><br><br>Ditto. |
| 3. (a) Such members of the family of His Highness the Maharaja of Mysore and such Arans, nobles and officials as may be designated by the Resident, and<br>(b) the retainers of such persons referred to in sub-head (a) on the latter entering, passing through, or residing in the Civil and Military Station of Bangalore, to such numbers as may be agreed to by the Resident under his special or general orders. | Ditto . . .<br><br><br>Ditto . . .   | The exemption shall be subject to such conditions if any, as may be prescribed by the Resident.   | Ditto.  |

SCHEDULE II.

(See Rule 3.)

ARMS, AMMUNITION AND MILITARY STORES EXCLUDED.

The arms, ammunition and military stores described in the first column are excluded from the operation of such prohibitions and directions contained in the Act as are indicated in the second column.

*The Table.*

Arms, ammunition or military stores.

1. All arms except—

- (a) cannon,
- (b) fire-arms,
- (c) air guns,
- (d) articles designed for torpedo service,
- (e) war rockets,
- (f) machinery for the manufacture of arms, and
- (g) appliances the object of which is the silencing of fire-arms.

Provided that the exceptions in respect of cannon, fire-arms and air guns shall not apply—

- (a) to cannon and fire-arms which are obsolete and unserviceable and of purely antiquarian value or which are in the possession of a regiment or military mess as trophies or curiosities or otherwise solely for purposes of ornament or display; or,
- (b) to toy cannon weighing less than 56 lb. and having—
  - (i) calibre of less than one inch,
  - (ii) a length of bore of less than 24 inches,
  - (iii) the interior of the bore unrifled, or
- (c) to air guns which satisfy the following test, namely, that projectiles discharged from such guns do not perforate a target 12 inches square formed by five strawboards of foolscap size, each board being 3/64ths of an inch thick and closely held together in a frame.

*Explanation.*—In making and estimating the test the following conditions shall be observed, namely—

- (1) the gun shall be held horizontally with the muzzle at a distance of five feet from the target;
- (2) the test shall be repeated twenty times for each class of projectile which can be discharged from the gun; and
- (3) perforation shall be deemed to be effected in a case where the projectile is a dart, if the point of the dart pierces the back of the target and in any other case if the projectile passes completely through the back of the target.

2. Sights for rifles imported for the use of, or for sale to, the persons enumerated in entry 8 of Schedule I to the Indian Arms Rules, 1924, or non-commissioned officers and soldiers of His Majesty's regular forces on a written permit from the officer commanding the regiment to which they belong.

3. Explosives made in small quantities for the purpose of chemical experiment and not for practical use or for sale;

and

the following classes of explosives when intended *bonâ fide* for private blasting purposes:—

- (1) gunpowder in any quantity not exceeding 30 pounds;
- (2) cartridges made with gunpowder and not containing their own means of ignition, and containing in all not more than 30 pounds of gunpowder;
- (3) percussion caps;
- (4) safety fuses.

Prohibitions and directions.

All; provided that the Resident may, by notification in the local official gazette, retain all or any of the prohibitions and directions contained in the Act in respect of any arms in the case of any class of persons or of any specified area.

All.

Those contained in sections 5 and 14.

Those contained in section 14.

294 CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Orders  
under Acts locally applied.)

| Arms, ammunition or military stores.   | Prohibitions and directions.  |
|--|-------------------------------|
| 4. All arms, ammunition and military stores brought into the Civil and Military Station of Bangalore from the areas of the Mysore State directly administered by His Highness the Maharaja, except through the medium of the Post Office, provided the person importing such arms, ammunition or military stores is lawfully entitled to possess them. | Those contained in section 6. |
| 5. All arms, ammunition and military stores taken out of the Civil and Military Station of Bangalore into the areas of the Mysore State directly administered by His Highness the Maharaja, provided the person taking out such arms, ammunition or military stores is lawfully entitled to possess them.  |                               |
| 6. Gun-wads and wire-cartridges.   | Those contained in section 6. |
| 7. Lead required in good faith for industrial and manufacturing purposes (other than the manufacture of bullets and bird-shot) up to any quantity.   | All.                          |
| 8. Leaden bullets and bird-shot in quantity not exceeding such limits as the Resident may fix.   | All.                          |
| 9. Saltpetre.  | All.                          |
| 10. Sulphur in quantities not exceeding such limits as the Resident may fix.   | All.                          |

SCHEDULE III.

FORM I.

(IX OF THE INDIAN ARMS RULES, 1924.)

[See rule 7 (1) (a).]

FEE—TWENTY RUPEES.

*Licence to manufacture, convert, sell or keep for sale, arms, ammunition or military stores (other than breech-loading rifles, rifle ammunition or military stores for rifles).*

| Serial number of licence. | Name, description and residence of licensee and of duly authorized agent or agents, if any. | Place of business, factory or shop. | DESCRIPTION AND NUMBER OF ARMS.  |                              | DESCRIPTION AND QUANTITY OF AMMUNITION OR MILITARY STORES. |                              | Date on which the licence expires. |
|---------------------------|---|-------------------------------------|----------------------------------|------------------------------|--|------------------------------|------------------------------------|
|                           |   |                                     | To be manufactured or converted. | To be sold or kept for sale. | To be manufactured.  | To be sold or kept for sale. |                                    |
| 1                         | 2   | 3                                   | 4                                | 5                            | 6  | 7                            | 8                                  |
|                           |   |                                     |                                  |                              |  |                              | The 31st December 19 .             |

The of 19 . (Signature.)



District Magistrate,  
Civil and Military Station of Bangalore,  
or other officer authorized by the Resident.

*Form for renewal of the Licence.*

[illegible]

(2) He shall also affix in his place of business, factory or shop a copy of section 28 of the Act, either in English or in the vernacular of the district.



5. He shall at the time of purchase of arms and at the time of purchase of ammunition for rifles other than .22 bore, revolvers or pistols endorse upon the licence of every purchaser holding a licence in Form VIII—

- (a) the name, description and residence of the person who takes delivery of the articles sold,
- (b) the nature and quantity of the articles sold, and
- (c) the date of sale.

and shall sign the endorsement.

6. He shall at the time of the sale of a weapon enter in his register the number and marks, if any, stamped on the weapon at the time of manufacture.

7. He shall give information of all sales of arms, ammunition and military stores to such person and in such manner as the Resident may direct.

8. He shall not sell to any person licensed to possess or carry arms, ammunition in excess of the maximum which may be fixed by the Resident for such person and which is endorsed on such person's licence.

9. He shall not sell arms, ammunition or military stores elsewhere than at the place of business, factory or shop specified in column 3.

10. He shall not sell arms, ammunition or military stores to an Indian officer, non-commissioned officer, or soldier of His Majesty's Indian Forces, unless such person produces a written pass or permit signed by his Commanding Officer, and then only to the extent and on the conditions specified in such pass or permit.

11. He shall not keep Government arms, ammunition or military stores or, unless he is specially authorised in this behalf by the Resident, keep or sell revolvers manufactured out of India or magazine pistols.

*Explanation.*—For the purposes of this condition:—

- (a) "Government arm" means a fire-arm or other weapon which is the property of the Government; and
- (b) "Government ammunition," and "Government military stores" mean, respectively, ammunition and military stores manufactured in any Government factory, or prepared for and supplied to Government.

12. The licensee shall forthwith give information at the nearest police-station of the loss or theft of any arms, ammunition or military stores covered by the licence.

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*NOTE.*—Any breach of the conditions of this licence is punishable with imprisonment for a term which may extend to six months or to fine which may extend to Rs. 500 or with both (Section 21 of the Indian Arms Act, 1878).

**CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Orders 297  
under Acts locally applied.)**

**FORM II.**

**(X OF THE INDIAN ARMS RULES, 1924.)**

[See rule 7 (1) (b).]

**FEE—TEN RUPEES.**

*Licence to sell and keep for sale arms, ammunition or military stores  
(other than breech-loading rifles, rifle ammunition or military stores  
for rifles).*

| Serial<br>number<br>of<br>licence. | Name, description<br>and residence of<br>licensee, and<br>of duly authorised<br>agent or agents,<br>if any. | Place of<br>business or<br>shop. | DESCRIPTION AND—   |   | Date on which the<br>licence expires. |
|------------------------------------|---|----------------------------------|--------------------|---|---------------------------------------|
|                                    |   |                                  | Number of<br>Arms. | Quantity of<br>Ammunition<br>or military<br>Stores. |                                       |
| 1                                  | 2   | 3                                | 4                  | 5   | 6                                     |
|                                    |   |                                  |                    |   | The 31st December<br>19 .             |

*(Signature.)*

*District Magistrate,  
Civil and Military Station of  
Bangalore, or other officer em-  
powered by the Resident.*

Seal.

*Th. of 19 .*

*Form for renewal of the licence.*

| Date and year of renewal. | Date on which the renewed<br>licence expires. | Signature of officer renewing<br>licence. |
|---------------------------|---|---|
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*Conditions.*

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, as applied to the Civil and Military Station of Bangalore, and of the Bangalore Arms Rules, 1924.

2. The licensee shall maintain registers of all arms, ammunition and military stores in stock, and of all sales in such form as the Resident may direct.

3. He shall exhibit his stock and his registers on the demand of any Magistrate or any Police officer of a rank not below that of Inspector, or, if the Resident so directs, of Sub-Inspector.

4. (1) He shall affix on a conspicuous part of his place of business or shop, a signboard, on which shall be painted in large letters in English and in the vernacular of the district, his name and the words "Licensed to deal in arms, ammunition and military stores".

(2) He shall also affix in his place of business or shop a copy of section 28 of the Act, either in English or in the vernacular of the district.

5. He shall at the time of purchase of arms and at the time of purchase of ammunition for rifles other than .22 bore, revolvers or pistols endorse upon the license of every purchaser holding a license in Form. VIII—

(a) the name, description and residence of the person who takes delivery of the articles sold,

(b) the nature and quantity of the articles sold, and

(c) the date of sale,

and shall sign the endorsement.

6. He shall at the time of the sale of a weapon enter in his register the number and marks, if any, stamped on the weapon at the time of manufacture.

7. He shall give information of all sales of arms, ammunition and military stores to such person and in such manner as the Resident may direct.

8. He shall not sell to any person licensed to possess or carry arms, ammunition in excess of the maximum which may be fixed by the Resident for such person and which is endorsed on such person's licence.

9. He shall not sell arms, ammunition or military stores elsewhere than at the place of business or shop specified in column 3.

10. He shall not sell arms, ammunition or military stores to an Indian officer, non-commissioned officer or soldier of His Majesty's Indian Forces, unless such person produces a written pass or permit signed by his Commanding Officer, and then only to the extent and on the conditions specified in such pass or permit.

CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Orders 299  
under Acts locally applied.)

11. He shall not keep Government arms, ammunition or military stores, or, unless he is specially authorised in this behalf by the Resident, keep or sell revolvers manufactured out of India or magazine pistols.

*Explanation.*—For the purposes of this condition—

- (a) "Government arm" means a fire-arm or other weapon which is the property of the Government; and
- (b) "Government ammunition" and "Government military stores" mean respectively, ammunition and military stores manufactured in any Government factory, or prepared for and supplied to Government.

12. The licensee shall forthwith give information at the nearest police-station of the loss or theft of any arms, ammunition or military stores covered by the licence.

*NOTE.*—Any breach of the conditions of this licence is punishable with imprisonment for a term which may extend to six months or to fine which may extend to Rs. 500 or with both (Section 21 of the Indian Arms Act, 1878).

FORM III.

(XI OF THE INDIAN ARMS RULES, 1924.)

[See rule (2) (a).]

FEE—(a) where the licensee holds a licence in Form I, FREE OF ALL CHARGE.

(b) in all other cases, TWENTY RUPEES.

*Licence to manufacture, convert, sell or keep for sale breech-loading rifles, rifle ammunition or military stores for rifles.*

| Serial number of licence. | Name, description and residence of licensee, and of duly authorised agent or agents, if any. | Place of business, factory or shop. | DESCRIPTION AND NUMBER OF ARMS.  |                              | DESCRIPTION AND QUANTITY OF AMMUNITION OR MILITARY STORES. |                              | Date on which the licence expires. |
|---------------------------|--|-------------------------------------|----------------------------------|------------------------------|--|------------------------------|------------------------------------|
|                           |  |                                     | To be manufactured or converted. | To be sold or kept for sale. | To be manufactured.  | To be sold or kept for sale. |                                    |
| 1                         | 2  | 3                                   | 4                                | 5                            | 6  | 7                            | 8                                  |
|                           |  |                                     |                                  |                              |  |                              | The 31st December 19               |

(Signature.)

The of 19 . Seal Secretary to the Resident in Mysore.  
L 2

Forms for renewal of the Licence.

| Date and year of renewal. | Date on which the renewed licence expires. | Signature of the Secretary to the Resident in Mysore or District Magistrate. |
|---------------------------|--|--|
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Conditions.

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, as applied to the Civil and Military Station of Bangalore, and of the Bangalore Arms Rules, 1924.
2. The licensee shall maintain registers of all arms, ammunition and Military stores in stock and of all sales, in such form as the Resident may direct.
3. He shall exhibit his stock and his registers on the demand of any Magistrate or any Police-officer of a rank not below that of Inspector, or, if the Resident so directs, of Sub-Inspector.

4. (1) He shall affix on a conspicuous part of his place of business, factory or shop, a signboard, on which shall be painted in large letters in English his name and the words “ Licensed to deal in breech-loading rifles, rifle, ammunition and military stores for rifles ”.

(2) He shall also affix in his place of business, factory or shop a copy of Section 28 of the Act, either in English or in the vernacular of the district.

5. He shall at the time of purchase of arms and at the time of purchase of ammunition for rifles other than .22 bore, revolvers or pistols endorse upon the licence of every purchaser holding a licence in Form VIII—

(a) the name, description and residence of the person who takes delivery of the articles sold;

(b) the nature and quantity of the articles sold; and

(c) the date of sale,

and shall sign the endorsement.

6. He shall at the time of the sale of a weapon enter in his register the number and marks, if any, stamped on the weapon at the time of manufacture.

7. He shall give information of all sales of arms, ammunition and military stores to such person and in such manner as the Resident may direct.

8. He shall not sell breech-loading rifles, rifle ammunition or military stores for rifles elsewhere than at the place of business, factory or shop specified in column 3.

9. He shall not keep Government arms, ammunition or military stores.

*Explanation.*—For the purposes of this condition—

(a) “ Government arm ” means a fire-arm or other weapon which is the property of the Government; and

(b) “ Government ammunition ” and “ Government military stores ” mean, respectively, ammunition and military stores manufactured in any Government factory or prepared for and supplied to Government.

10. He shall not sell arms, ammunition or military stores to an Indian officer, non-commissioned officer or soldier of His Majesty's Indian Forces, unless such person produces a written pass or permit signed by his Commanding Officer, and then only to the extent and on the conditions specified in such pass or permit.

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under Acts locally applied.)

11. The licensee shall forthwith give information at the nearest police-station of the loss or theft of any arms, ammunition or military stores covered by the licence.

NOTE.—Any breach of the conditions of this licence is punishable with imprisonment for a term which may extend to six months or to fine which may extend to Rs. 500 or with both (Section 21 of the Indian Arms Act, 1878).

FORM IV.

(XII OF THE INDIAN ARMS RULES, 1924.)

[See rule 7 (2) (b).]

FEE—(a) where the licensee already holds a licence in Form II, FREE OF ALL CHARGE;

(b) in all other cases, TEN RUPEES.

*Licence to sell and keep for sale breech-loading rifles, rifle ammunition or military stores for rifles.*

| Serial<br>number<br>of<br>licence.<br>1 | Name, description<br>and residence of<br>licensee, and<br>of duly authorised<br>agent or agents,<br>if any.<br>2 | Place of<br>business or<br>shop.<br>3 | DESCRIPTION AND—        |  | Date on which the<br>licence expires.<br>6 |
|---|--|---------------------------------------|-------------------------|--|--|
|   |  |                                       | Number of<br>Arms.<br>4 | Quantity of<br>Ammunition<br>or military<br>stores.<br>5 |  |
|   |  |                                       |                         |  | The 31st December<br>19 .                  |

(Signature.)

Secretary to the Resident in Mysore.

*Form for renewal of the Licence.*

[illegible]

**Conditions.**

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, as applied to the Civil and Military Station of Bangalore, and of the Bangalore Arms Rules, 1924.
2. The licensee shall maintain registers of all arms, ammunition and military stores in stock, and of all sales, in such form as the Resident may direct.
3. He shall exhibit his stock and his registers on the demand of any Magistrate or any Police officer of a rank not below that of Inspector, or if the Resident so directs, of Sub-Inspector.
4. (Z) He shall affix on a conspicuous part of his place of business or shop a signboard, on which shall be painted in large letters in English and in the vernacular of the district his name and the words "Licensed



to deal in breech-loading rifles, rifle ammunition and military stores for rifles ”.

(2) He shall also affix in his place of business or shop a copy of Section 28 of the Act either in English or in the vernacular of the district.

5. He shall at the time of purchase of arms and at the time of purchase of ammunition for rifles other than .22 bore, revolvers or pistols endorse upon the licence of every purchaser holding a licence in Form VIII—

(a) the name, description and residence of the person who takes delivery of the articles sold,

(b) the nature and quantity of the articles sold, and

(c) the date of sale.

and shall sign the endorsement.

6. He shall at the time of the sale of a weapon enter in his register the number and marks, if any, stamped on the weapon at the time of manufacture.

7. He shall give information of all sales of arms, ammunition and military stores to such person and in such manner as the Resident may direct.

8. He shall not sell arms, ammunition or military stores elsewhere than at the place of business or shop specified in column 3.

9. He shall not keep Government arms, ammunition or military stores.

*Explanation.*—For the purposes of this condition—

(a) “ Government arm ” means a firearm or other weapon which is the property of the Government; and

(b) “ Government ammunition ” and “ Government military stores ” mean, respectively, ammunition and military stores manufactured in any Government factory or prepared for and supplied to the Government.

10. He shall not sell arms, ammunition or military stores to an Indian officer, non-commissioned officer or soldier of His Majesty’s Indian Forces, unless such person produces a written pass or permit signed by his Commanding Officer, and then only to the extent and on the conditions specified in such pass or permit.

11. The licensee shall forthwith give information at the nearest police station of the loss or theft of any arms, ammunition or military stores covered by the licence.

*Penalty.*—Any breach of the conditions of this licence is punishable with imprisonment for a term which may extend to six months or to fine which may extend to Rs. 500 or with both (Section 21 of the Indian Arms Act, 1878).

CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Orders 305  
under Acts locally applied.)

FORM V.

(XIII OF THE INDIAN ARMS RULES, 1924.)

(See rule 8.)

FREE OF ALL FEE.

*Licence for the possession by holders of licences in Form I, II, III or IV  
of the fire-arms and ammunition deposited by their owners for safe  
keeping.*

| Name, description and<br>residence of licensee, and<br>of duly authorised<br>agent or agents,<br>if any. | Description of<br>fire arms<br>and ammunition. | Place (with description<br>where article is<br>to be kept). | * Period for which<br>the licence is<br>valid. |
|--|--|---|--|
| 1  | 2  | 3   | 4  |
|  |  |   |  |

Seal.

(Signature.)

The of 19

*District Magistrate,  
Civil and Military Station of Bangalore,  
or officer empowered by the Resident.*

\* NOTE.—A licence in this Form will be granted for a period ending on the day on which the licensee's licence in Form I, II, III or IV, as the case may be, is due to expire.

*Conditions.*

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, as applied to the Civil and Military Station of Bangalore, and of the Bangalore Arms Rules, 1924.

2. It covers only fire-arms and ammunition of the description given in column 2 so long as they are kept in the place described in column 3 but does not authorise the licensee—

(i) to go armed, or

(ii) to keep Government arms or ammunition.

*Explanation.*—For the purposes of this condition—

- (a) "Government arm" means a fire-arm or other weapon which is the property of the Government; and  
(b) "Government ammunition" means ammunition manufactured in any Government factory, or prepared for and supplied to Government.

3. The licensee shall maintain a register of all arms and ammunition in his possession under this licence in such form as the Resident may direct.

4. He shall exhibit such arms and ammunition and his register on the demand of any Magistrate or any Police-officer of a rank not below that of Inspector, or if the Resident so directs, of Sub-Inspector.

5. The licensee shall forthwith give information at the nearest police-station of the loss or theft of any arms or ammunition covered by the licence.

FORM VI.

(XIV OF THE INDIAN ARMS RULES, 1924.)

(See rule 10.)

FEE OF ALL FEE.

*Licence for the possession of arms (other than pistols or revolvers),  
ammunition or military stores.*

| Name, description<br>and residence of<br>licensee and<br>agent (if<br>any). | Number and<br>description<br>of arms. | Ammunition or Military<br>Stores. |           | Place (with de-<br>scription where<br>articles are<br>to be<br>kept). | *Period for<br>which the<br>licence<br>is<br>valid. |
|---|---------------------------------------|-----------------------------------|-----------|---|---|
|   |                                       | Description.                      | Quantity. |   |   |
| 1   | 2                                     | 3                                 | 4         | 5   | 6   |
|   |                                       |                                   |           |   |   |

Seal.

The of 19 . (Signature.)

District Magistrate,  
Civil and Military Station of Bangalore,  
or other officer empowered by the Resident.

\*Norn.—A licence in this Form may be granted for any period not exceeding three years.

*Conditions.*

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, as applied to the Civil and Military Station of Bangalore, and of the Bangalore Arms Rules, 1924.

2. It covers only the arms, ammunition and stores specified in columns 2, 3 and 4 so long as they are kept in the place described in column 5, but does not authorise the licensee—

(i) to go armed; or,

(ii) to keep Government arms or ammunition.

*Explanation.*—For the purposes of this condition—

(a) " Government arm " means a fire-arm or other weapon which is the property of the Government; and

(b) " Government ammunition " means ammunition manufactured in any Government factory, or prepared for and supplied to Government.

3. Condition 2 (ii) may be cancelled by the authority granting the licence, if empowered to do so by the Resident, and an endorsement added showing the Government arms and ammunition which the licensee is authorised to possess.

4. The licensee shall forthwith give information at the nearest police-station of the loss or theft of any arms covered by the licence.

5. The authority granting the licence has the right to inquire at any time during the currency of the licence, whether the weapon for which it has been granted is still in the possession of the licensee, and may require the production of the weapon for the purpose of such an inquiry.

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NOTE.—Any breach of the conditions of this licence is punishable with imprisonment for a term which may extend to six months or to fine which may extend to Rs. 500 or with both (Section 21 of the Indian Arms Act, 1878).

FORM VII.

(XV OF THE INDIAN ARMS RULES, 1924.)

(See rule 11.)

FEE—(a) for each breech-loading pistol or revolver, TEN RUPEES;

(b) for each breech-loading weapon, FIVE RUPEES;

(c) for other weapons, EIGHT ANNAS;  
for each weapon.

The abovementioned fees are for licences granted for periods of one year or less. A licence in this Form may be granted for any period exceeding one year and not exceeding three years, in which case a compounded fee shall be levied.

*Licence for the possession and use, for the purpose of target practice, of firearms and ammunition.*

| Serial number of licence. | Name, description and location of mess, club or association. | Arms or ammunition that licensee is entitled to possess. |           | Place within which the licence is valid. | Date on which the licence expires. |
|---------------------------|--|--|-----------|--|------------------------------------|
|                           |  | Description.   | Quantity. |  |                                    |
| 1                         | 2  | 3  | 4         | 5  | 6                                  |
|                           |  |  |           |  |                                    |

Seal.

(Signature.)

*The of 19*

*District Magistrate,  
Civil and Military Station of Bangalore,  
or other officer empowered by the Resident.*

*Form for renewal of the Licence.*

| Date and year of renewal. | Date on which the renewed licence expires. | Signature of the District Magistrate or other officer empowered by the Resident. |
|---------------------------|--|--|
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*Conditions.*

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, as applied to the Civil and Military Station of Bangalore, and of the Bangalore Arms Rules, 1924.

2. It covers only the mess, club or association named and the arms and ammunition described therein.

3. The mess, club or association, at the time of purchasing any new arms and at the time of purchasing ammunition for rifles other than '22 bore, revolvers or pistols shall cause the following particulars to be endorsed upon its licence under the vendor's signature, namely—

- (a) the name, description and residence of the person who takes delivery of the articles purchased on behalf of the mess, club or association;
- (b) the nature and quantity of the articles purchased; and
- (c) the date of purchase;

and if the arms or ammunition are purchased from any person other than the licenced dealer shall also cause the particulars specified in clauses (b) and (c) to be furnished in writing to the authority who granted this licence within such period as may be prescribed by that authority for this purpose.

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4. The mess, club or association shall not purchase ammunition excess of the maximum which may, from time to time, be fixed by the Resident.

5. The mess, club or association shall forthwith give information to the nearest police-station of the loss or theft of any arms covered by the licence.

6. The licence does not authorise any member of the mess, club or association to keep Government arms or ammunition.

*Explanation.*—For the purposes of this condition—

- (a) "Government arm" means a fire arm or other weapon which is the property of the Government; and
- (b) "Government ammunition" means ammunition manufactured in a Government factory or prepared for and supplied to Government.

7. The Resident may require any fire arm or ammunition possessed by the mess, club or association to be registered in such manner as the Resident thinks fit.

8. The authority granting the licence has the right to inquire at any time during the currency of the licence whether the weapons for which it has been granted are still in the possession of the mess, club or association and to require the production of such weapons for the purposes of such inquiry.

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NOTE.—Any breach of the conditions of this licence is punishable with imprisonment for a term which may extend to six months or to fine which may extend to Rs. 500 or with both (Section 21 of the Indian Arms Act, 1924).

— FORM VIII.

(XVI OF THE INDIAN ARMS RULES, 1924.)

(See rule 12.)

- FEE I.—(i) for a breech-loading pistol or revolver, TEN RUPEES;  
(ii) for any other breech-loading weapon, FIVE RUPEES;  
(iii) for other weapons, EIGHT ANNAS,  
for each weapon.

II. (a) The above-mentioned fees are payable in respect of licences granted for the first time for periods of one year or less.

(b) Should the licence be renewed for a further period, and unless the licence is free of all fee, the following fees shall be payable in respect of each renewal for a period of one year or less:—

- (i) for a breech-loading pistol or revolver, FIVE RUPEES;
- (ii) for any other breech-loading weapon, TWO RUPEES AND ANNAS EIGHT;
- (iii) for other weapons, EIGHT ANNAS;

provided, that in such cases application for renewal is made within one month of the date on which the licence expires, and if application is not

CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Orders 311  
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made within that period, the licencing authority may, in his discretion, levy fees at the original rate.

III. A license in this form may be granted or renewed for any period not exceeding three years; and if the period for which a licence is granted or renewed exceeds one year, unless the license is free of all fee, the fee shall, subject to the proviso in II (b), be levied at the annual rates hereinbefore prescribed for grant or renewal, as the case may be.

*Licence for the possession of arms and ammunition and for going armed  
for the purpose of <sup>sport</sup> protection;  
display*

| Serial number of licence. | Name, description and residence of licensee and agent (if any). | Arms or ammunition that licensee is entitled to possess.   |  | Retainers (if any) covered by the licence. |                            |                      |  |   | District or place within which the licence is valid. | Date on which the licence expires. |
|---------------------------|---|--|--|--|----------------------------|----------------------|--|---|--|------------------------------------|
|                           |   | Brief description of each weapon with details, e.g., distinguishing marks, register number, etc. | Quantity and description of each kind of ammunition. | Name of retainer.                          | Name of retainer's father. | Address of retainer. | Arms or ammunition that retainer is entitled to possess. |   |  |                                    |
| 1                         | 2   | 3  | 4  | 5  | 6                          | 7                    | 8  | 9 | 10   | 11                                 |
|                           |   |  |  |  |                            |                      |  |   |  |                                    |

Seal.

(Signature.)

The of 19 .

District Magistrate,  
Civil and Military Station of Bangalore,  
or other officer empowered by the Resident



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under Acts locally applied.)

*Form for renewal of the Licence.*

| Date and year of renewal. | Date on which the renewed licence expires. | Signature of the District Magistrate or other officer empowered by the Resident. |
|---------------------------|--|--|
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*Conditions.*

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, as applied to the Civil and Military Station of Bangalore, and of the Bangalore Arms Rules, 1924.

2. It covers only the persons named, and the arms and ammunition described therein and such retainers (if any) as may be entered in column 5.

3. It extends only to the district or place specified in column 10.

4. The licensee or any retainer acting under this licence shall not go armed with any arms covered thereby otherwise than in good faith for the purpose of <sup>sport</sup> protection; and, save where he is specially authorised in <sup>display</sup> this behalf, in any Presidency-town or Rangoon by the Commissioner of Police, or in any other place by the District Magistrate or a Sub-divisional Magistrate specially empowered by the Local Government to grant licences, he shall not take any such arms to a fair, religious procession or other public assemblage.

5. The licensee, at the time of purchasing any new arms and at the time of purchasing ammunition for rifles other than '22 bore revolvers or

pistols, shall cause the following particulars to be endorsed upon his licence under the vendor's signature:—

- (a) the name, description and residence of the person who takes delivery of the article purchased;
- (b) the nature and quantity of the articles purchased; and
- (c) the date of purchase;

and if the arms or ammunition are purchased from any person other than a licenced dealer shall also cause the particulars specified in clauses (b) and (c) to be furnished in writing to the authority who granted this licence within such period as may be prescribed for this purpose by such authority.

6. He shall not purchase ammunition of rifles, other than '22 bore, revolvers and pistols in excess of the maximum which may from time to time be fixed by the Resident.

7. He shall forthwith give information at the nearest police-station of the loss or theft of any arms covered by the licence.

8. He shall not possess Government arms and ammunition.

*Explanation.*—For the purposes of this condition—

- (a) "Government arm" means a fire arm or other weapon which is the property of the Government; and
- (b) "Government ammunition" means ammunition manufactured in any Government factory, or prepared for and supplied to Government.

9. Condition 8 may be cancelled by the authority granting the licence if empowered to do so by the Resident, and an endorsement added showing the Government arms and ammunition which the licensee is authorised to possess.

10. Where the licence is granted for the purpose of sport, the licensee or any retainer acting under the licence shall observe such close season as may be prescribed by the Resident in respect of the game birds and animals hereinafter set forth below.

11. The licensee shall report any change of his permanent residence to the authority who granted him the licence and in case of any such change, whether permanent or temporary, he may, at his option, apply to the nearest licencing authority for renewal of this licence should it be necessary.

12. The authority granting the licence has the right to inquire at any time during the currency of the licence whether the weapon for which it

has been granted is still in the possession of the licensee, and to require the production of the weapon for the purposes of such inquiry.

**NOTE.**—Any breach of the conditions of this licence is punishable with imprisonment for a term which may extend to six months or to fine which may extend to Rs. 500 or with both (Section 21 of the Indian Arms Act, 1878).

[*Gazette of India*, 1924, Pt. I, p. 423.]

#### HACKNEY CARRIAGE ACT, 1879.

##### *Rules for the registration and control of hackney carriages.*

**No. 4931, dated the 24th February, 1904.**—In exercise of the powers conferred by section 3 of the 'Bangalore Hackney Carriage Regulation, 1882, and in supersession of all previous Rules framed under that section, the Municipal Commission for the Civil and Military Station of Bangalore have made the following Rules for the registration and control of Hackney Carriages within the limits of the said Municipality, and the same having been confirmed by the Honourable the Resident in Mysore, as required by the said section and by section 139 of the Bangalore Municipal Law, 1897<sup>1</sup>, they are hereby notified for general information under section 180 (3) of the said Municipal Law.

These Rules shall come into force on the 1st April, 1904.

1. Every hackney carriage shall be annually licensed by the Registering Officer, and no person shall keep, or offer, or ply for hire, any hackney carriage within the limits of the Civil and Military Station, Bangalore, except under license granted in that behalf under these Rules.

**NOTE.**—The Registering Officer shall be the Officer, for the time being, holding the office of the District Superintendent of Police.

2. Any license granted under these Rules shall ordinarily continue in force until the 31st day of March after the grant of such license.

3. The Registering Officer shall receive applications for, and shall grant or refuse, licenses as he may think fit. He shall class every hackney carriage at his discretion in one of the four following classes:—

- |                           |                   |
|---------------------------|-------------------|
| 1. First class carriage.  | 3. Jutkas.        |
| 2. Second class carriage. | 4. Bullock carts. |

4. The license to be granted by the Registering Officer shall be in the form given in Schedule B of these Rules, and its former<sup>2</sup> acceptance by the licensee shall be entered in the register provided for this purpose.

**NOTE.**—In the case of a partnership, company or firm the name to be entered in the license shall be that of a partner, the Secretary or Manager, as the case may be.

<sup>1</sup> Superseded by Act XIV of 1879, as applied. See now Notification No. 261-I., dated the 24th April, 1929, printed, *supra*, p. 39.

<sup>2</sup> Printed *supra*, p. 37.

<sup>3</sup> *Sic*. Read "formal".

5. The Registering Officer may, whenever necessary, cause to be painted on some conspicuous part of the carriage its number and class, the year of license and the number of passengers it is licensed to carry. He may also cause to be stamped a number on such parts of the harness as he thinks fit.

A. If the words or figures so painted or stamped shall, during the time of license, become indistinct or obliterated, the owner of the carriage or harness shall produce it without delay before the Registering Officer and apply to have such words or figures renewed.

B. The numbering shall be done at the office of the Registering Officer.

C. The owner of the first or second class hackney carriage shall, on receipt of a license, affix to his premises a board on which shall be painted his name and his hackney carriage license number.

D. Every owner of a hackney carriage shall, on the expiry, revocation, or suspension of his hackney carriage license, forthwith remove the figures or words so painted on his carriage.

6. The following fees shall be paid to the Registering Officer on behalf of the Municipality for each license:—

|                                 | Per annum. |
|---------------------------------|------------|
|                                 | Rs.        |
| First class carriage . . . . .  | 12         |
| Second class carriage . . . . . | 9          |
| Jutkas . . . . .                | 4          |
| Bullock carts . . . . .         | 2          |

} If drawn by a pair  
of horses, double  
these fees.

A license in the form given in Schedule B shall only be given for a turn-out including horse, carriage and harness, but spare carriages and horses shall, if the Registering Officer thinks fit, be registered separately as entitled to ply for hire under these Rules the following fees being charged for such registration:—

|                                 | Rs. |
|---------------------------------|-----|
| First class carriage . . . . .  | 8   |
| Second class carriage . . . . . | 5   |
| Horse . . . . .                 | 4   |
| [Jutka pony . . . . .           | 2½  |

#### Drivers' Licenses.

7. Every driver of a hackney carriage shall be annually licensed by the Registering Officer, who, if he thinks fit, may refuse to issue such a license, and no person shall drive any hackney carriage, nor shall any owner of a hackney carriage permit any person to drive such hackney carriage, within the limits of the Civil and Military Station Bangalore, except under license granted in that behalf under these Rules.

\* Added by Notification No. 3498, dated the 25th November, 1901. Gazette of India, 1904, Pt. II, p. 1373.

For every license granted under this Rule, there shall be paid annually a fee of Re. 1 by owners of 1st and 2nd class carriages and jutkas, and a fee of 8 annas by owners of bullock carts.

8. The license to be granted to a driver of a 1st or 2nd class carriage shall be in the form given in Schedule C of these Rules, and to a driver of a jutka or bullock cart in the form given in Schedule D. Such licenses shall be accompanied by metal badge bearing the number of the license.

9. A licensed driver, when acting as such,—

- (1) shall keep to his own left side of the road, and not overtake or pass another carriage except on the right-hand side of that carriage,
- (2) shall light his lamps and keep them alight between sunset and sunrise,
- (3) shall stand in line with his carriage and keep proper order when at a carriage stand. He shall not take up position on any hackney carriage stand which already contains the full complement of hackney carriages authorised for such stand by the Registering Officer. He shall not loiter or cause obstruction in public roads or thoroughfares or in any place where the public resort.

9A. Every driver of a first or second class carriage shall be properly and cleanly clad when acting as such. He shall wear a turban neatly folded, a long coat extending beyond the hips and trousers reaching to the ankles. Over the coat he shall wear a waist belt not less than four inches wide, to which his metal badge shall be affixed above the right hip.

10. The fare which may be demanded for the hire of a hackney carriage shall not exceed that specified in Schedule A of these Rules.

11. The owner of every hackney carriage " " " " unless exempted by the Registering Officer, shall put up, and at all times keep, in such position as shall be directed by the Registering Officer, in or on such carriage, a clear and legible list showing the class and number of such carriage, and the rates and fares authorised to be taken for the hire of the same.

12. No owner or driver of any hackney carriage shall, without sufficient reason, the burden of proving which shall lie on such owner or driver, at any time refuse to let such hackney carriage for hire to any person demanding the same.

<sup>1</sup> Added by Notification No. 4709, dated the 3rd February, 1906. *Gazette of India*, 1906, Pt. II, p. 820.

<sup>2</sup> Omitted by ditto.

*Miscellaneous.*

13. The Registering Officer may, by written order, suspend for a period not exceeding one month, or revoke, any license granted under Rule 3 or 8 for any breach of these Rules '[or of any condition under which a license is granted].

A license under Rule 3 or 8 shall also be subject to suspension or revocation, if the Registering Officer is satisfied that the owner or driver has misconducted himself.

14. Notwithstanding anything contained in any Act or Regulation relating to hackney carriages for the time being in force, no owner or driver of a hackney carriage, shall be bound to carry, in such hackney carriage, any person suffering from any contagious or infectious disease.

No owner or driver shall, without previously disinfecting it, knowingly use for hire any carriage used for the conveyance of any person suffering from any contagious or infectious disease.

15. In the case of disputes as to the fare to be paid according to distance, any table or book signed by the Registering Officer shall be taken to be conclusive evidence of all the fares and distances therein stated.

16. All property left in any hackney carriage licensed under these Rules shall be forthwith deposited by the driver or owner, as the case may be, in the office of the Registering Officer, or in the nearest police station.

Such property shall be returned to the person who shall prove to the satisfaction of the Registering Officer that the same belonged to him, on payment of all expenses reasonably incurred, and of such reasonable sum to the driver or owner as the Registering Officer may direct.

17. It shall be lawful for the Registering Officer, the Inspector of Hackney Carriages and any Inspector of Police, at any time between sunrise and sunset to enter any premises in which hackney carriages are kept in order to carry out any provision of these Rules, and the owner of such premises or his agents shall afford every facility for such inspection.

18. The Registering Officer may, for reasons to be recorded by him in writing, prohibit the use of any premises as premises in which hackney carriages can be kept, and may also forbid the keeping of any vehicles or horses, other than those registered under the Hackney Carriage Rules, in any premises in which hackney carriages are kept, and after the issue of such prohibition no person shall use such premises in contravention of such prohibition.

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<sup>1</sup> Added by Notification No. 1650, dated the 12th June, 1913. *Gazette of India*, 1913, Pt. II, p. 1351.

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19. On expiry, revocation, or suspension of any license granted under Rule 3 or 8, the licensee shall forthwith return such license to the Registering Officer and shall, in the case of any license granted under Rule 8, at the same time deliver up any badge issued with such license.

20. Prosecutions for breach of these Rules may be instituted by any Police Officer, or Officer of the Hackney Carriage Department, or any other person authorized by the Registering Officer in writing.

SCHEDULE A.

*Fares by Time.*

| Class of vehicles.            | For one hour or less. | For every additional hour or part of an hour before midnight. | For every additional hour or part of an hour after midnight. | Remarks.   |
|-------------------------------|-----------------------|---|--|--|
| 1                             | 2                     | 3   | 4  | 5  |
|                               | Rs. A. P.             | Rs. A. P.   | Rs. A. P.  |  |
| 1st, drawn by one horse . . . | 1 0 0                 | 0 6 0   | 0 8 0  | If drawn by a pair of horses double these fares. |
| 2nd, drawn by one horse . . . | 1 0 0                 | 0 4 0   | 0 6 0  |  |
| 3rd, Jutka do. . . . .        | 0 6 0                 | 0 3 0   | 0 4 0  |  |
| 4th, bullock cart . . . . .   | 0 4 0                 | 0 2 0   | 0 3 0  |  |

NOTE.—These fares are subject to a maximum of Rs. 3-8, Rs. 3, Rs. 2 and Re. 1-4 according to class for twelve hours from 5 A.M. to midnight; and to a maximum of Rs. 5, Rs. 4, Rs. 2-8 and Re. 1-8, respectively, when the number of hours exceed twelve.

*Fares by Distance.*

|   | First class. | Second class. |                                  | Third class Jutkas. | Fourth class bullock carts. |
|---|--------------|---------------|----------------------------------|---------------------|-----------------------------|
| 1   | 2            | 3             | 4                                | 5                   | 6                           |
| For three miles and under . . .                                 | 1 0 0        | 0 12 0        | For a mile or portion of a mile. | 0 2 0               | 0 1 6                       |
| For every succeeding mile or a portion of a mile beyond a mile. | 0 4 0        | 0 3 0         |                                  |                     |                             |

N.B.—The minimum speed at which a first and second class carriage hired by time shall be driven is six miles per hour, jutka five miles, and bullock carts three miles an hour, respectively.

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under Acts locally applied.)

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The above fares to be paid according to time, unless, at the commencement of hiring, the hirer expresses his intention of paying according to distance.

Any contract entered into to accept a fare lower than the fare above fixed, shall be binding.

SCHEDULE B.

| Owners' license.<br>Hackney Carriage License No.<br>Class. | Stamp of<br>Hackney Carriage<br>Department. |
|--|---|
|--|---|

By virtue of the powers vested in me by I grant to you of  
this license to keep at your premises at and to let for hire  
the numbered as above from the date hereof till the 31st March  
19 on the conditions hereunder written :—

*First.*—That it shall be drawn by .

*Second.*—That it shall carry such number of passengers not exceeding as may be required and shall also carry free of charge a reasonable quantity of luggage.

*Third.*—That it shall ply for hire in the Civil and Military Station, Bangalore.

*Fourth.*—That it shall be produced for inspection at such place and time as may be directed by me.

*Fifth.*—That in the event of its being damaged, you may, with my previous sanction in writing, use temporarily another carriage to which this license number shall be transferred free of charge.

*Sixth.*—That you shall keep it, together with the horse(s) and harness used therewith in proper and serviceable condition.

*Seventh.*—That as often as you change your residence or the premises in which you keep this carriage, you shall give me notice thereof in writing within one week of such change, submitting at the same time this license for the necessary alteration.

*Eighth.*—That this license shall not be transferred to any other person without my written sanction.

Given under my hand and seal this day of .

Registering Officer,  
Civil and Military Station, Bangalore.



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SCHEDULE C.

1st or 2nd class Hackney Carriage  
Drivers' License No.

Stamp of Hackney  
Carriage Department.

By virtue of the powers vested in me by I grant to you  
of this license to ply for hire and pursue the occupation of driver in  
the service of Hackney Carriage owner in any part of the Civil  
and Military Station, Bangalore, from the date hereof till the 31st March  
19 on the conditions hereunder written :—

*First.*—That you shall constantly, when engaged in the said occupation, wear conspicuously on such part of your person as the Registering Officer shall direct a metal badge, numbered as above.

*Second.*—That you shall, at all times when engaged in your said occupation, have with you this license and shall produce the same, when required by any passenger, Police Officer on duty, or any person employed by the Hackney Carriage Department.

*Third.*—That you shall, when engaged for hire, drive Mr.

's carriage to any place within the Municipal limits of the Civil and Military Station, Bangalore, to which you may be required by the hirer thereof to drive.

*Third A.*—That the carriage shall carry such number of passengers not exceeding as may be required, and shall also carry, free of charge, a reasonable quantity of luggage.

*Fourth.*—That you shall not, when engaged for hire, leave this carriage without the permission of the hirer, or wilfully desert from such hiring before being discharged by the hirer.

*Fifth.*—That this license or its accompanying badge be not transferred to any other person except at the request of the owner of this carriage and with my written sanction.

Given under my hand and seal this day of

Registering Officer,

Civil and Military Station, Bangalore.

SCHEDULE D.

Intka or Bullock cart Drivers'  
License No.

Stamp of Hackney Carriage  
Department.

By virtue of the powers vested in me by I grant to you  
of this license to ply for hire and pursue the occupation of Driver.

<sup>1</sup> Inserted by Notification No. 4708, dated the 3rd February, 1906. *Gazette of India*, 1906, Pt. II, p. 320.

in the service of <sup>Jutka</sup><sub>Bullock cart</sub> owner in any part of the Civil and Military Station, Bangalore, from the date hereof till the 31st March 19 on the conditions hereunder written:—

*First.*—That you shall constantly, when engaged in the said occupation, wear conspicuously on such part of your person as the Registering Officer shall direct a metal badge, numbered as above.

*Second.*—That you shall at all times when engaged in your said occupation, have with you this license and shall produce the same, when required by any passenger, Police Officer on duty, or any person employed by the Hackney Carriage Department.

*Second A.*—That the <sup>Jutka</sup><sub>Bullock cart</sub> shall carry such number of passengers not exceeding as may be required and shall also carry free of charge a reasonable quantity of luggage.

*Third.*—That the license or its accompanying badge shall not be transferred to any other person without my written sanction.

Given under my hand and seal this day of

Registering Officer,

Civil and Military Station, Bangalore.

[*Gazette of India*, 1904, Pt. II, p. 312.]

#### VACCINATION ACT, 1880.

##### *Vaccination season.*

No. 3625-1770, dated the 26th October, 1889.—Under section 2, subsection (8) of the Vaccination Act, 1880, as extended to the Civil and Military Station of Bangalore, the Resident in Mysore is pleased to fix the period from the 1st January to the 15th April and from the 15th May to the 31st December (all dates being inclusive) in every year as the period during which vaccination may be performed under the said Act in the said Civil and Military Station.

[*Gazette of India*, 1889, Pt. II, p. 599.]

#### MUNICIPAL TAXATION ACT, 1881.

##### *Prohibition of levy of profession tax on certain persons.*

*No. 2789-I., dated the 22nd July, 1884.*—In exercise of the powers conferred by section 3 of Act XI of 1881 (The Municipal Taxation Act),

<sup>1</sup> Inserted by Notification No. 4709, dated the 3rd February, 1906. *Gazette of India*, 1906, Pt. II, p. 320.

<sup>2</sup> For the corresponding notification under the Bangalore Municipal Law 1897. see p. 809 *infra*.

the Governor General in Council is pleased to prohibit the levy by the Commissioners of the Municipality of the Civil and Military Station of Bangalore upon the persons described below of the tax upon arts, professions, and trades or callings:—

**Persons exempted—**

All persons exclusively in military employ, or belonging to any department directly attached to the Army or to the Public Works Department, Military Branch, being persons subject to '[the Army Act, the Indian Army Act, 1911, or the Air Force Act] and compelled by the exigencies of '[Military or Air Force duty] to reside within the limits of the Municipality of the Civil and Military Station of Bangalore.

[*Gazette of India*, 1884, Pt. I, p. 276.]

**Prohibition of levy of lighting rate on military buildings.**

No. 4945-I., dated the 17th December, 1891.—In exercise of the powers conferred by section 3 of the Municipal Taxation Act (XI of 1881), as applied to the Civil and Military Station of Bangalore, the Governor General in Council is pleased to prohibit the levy, by the Commissioners of the Municipality of the Civil and Military Station of Bangalore, of the lighting rate, under section 195 of the Bangalore Municipal Regulations of 1883, payable by the Secretary of State for India in Council in respect of military buildings within the Municipal limits of the said Station.

[*Gazette of India*, 1891, Pt. I, p. 689.]

**INDIAN EXPLOSIVES ACT, 1884.**

**Rules for the transport, manufacture, possession and sale of explosives.**

<sup>2</sup> No. 14, dated the 23rd April, 1915.—In exercise of the powers conferred by sections 5 and 7 of the Indian Explosives Act, 1884 (IV of 1884), as applied to the Civil and Military Station of Bangalore, by the notification of the Government of India in the Foreign Department, No. 732-D.,<sup>3</sup> dated the 19th March, 1913, the Resident in Mysore, with the previous sanction of the Governor General in Council, is pleased to make the following rules to regulate the transport, manufacture, possession and sale of explosives in the Civil and Military Station of Bangalore and on the Railways in Mysore under British jurisdiction.

<sup>1</sup> Substituted by Notification No. 85-I., dated the 28th January, 1929. *Gazette of India*, 1929, Pt. I, p. 43.

<sup>2</sup> For declaration of certain substances to be explosives within the meaning of the Act, see Notification Nos. 126-I., dated the 10th March, 1927 and 455-I., dated the 24th July, 1928, on pages 394 and 396 *infra*.

<sup>3</sup> See now Notification No. 261-I., dated the 24th April, 1929. Printed *supra*, p. 89.

THE BANGALORE EXPLOSIVES RULES, 1915.

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<sup>1</sup> Added by Notification No. 27, dated the 24th April, 1917. *Mysore Residency Orders*, 1917, Pt. I, p. 255.

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*Rules under the Indian Explosives Act, 1884, as applied to the Civil and Military Station of Bangalore, for the Transport, Manufacture, Possession and Sale of Explosives.*

## CHAPTER I.

### PRELIMINARY.

1. *Short title.*—These rules may be called the Bangalore Explosives Rules, 1915.

2. *Supersession of previous notifications; and savings.*—All previous notifications made by the Resident in Mysore under the said sections are hereby superseded, but all licenses or duplicates granted or renewed, all fees imposed or levied and all powers conferred by or under any notification so superseded, shall so far as they are consistent herewith, be deemed to have been respectively granted, renewed, imposed, levied or conferred hereunder.

3. *General exemptions.*—Nothing in these rules shall apply—

(i) to the manufacture, possession, sale, packing, or transport of  
1\* \* \* \* \* paper caps for toy pistols, <sup>2</sup>[or coloured matches known as Bengal Lights] under such conditions and in such quantities as the Resident in Mysore, or in the case of transport by rail, the Railway Board, on the recommendation of the Chief Inspector of Explosives, may from time to time determine, <sup>3</sup>[or to the possession, sale, transport or importation of snaps, when contained in fully manufactured Christmas or bon-bon crackers]:

(ii) to the packing or transport of capped safety cartridge cases, if otherwise empty, when packed or transported in the same consignment with arms covered by a license granted under

\* Further exemptions are made by section 14 of the Indian Explosives Act, 1884, which runs as follows:—

"*Saving for manufacture, possession, use, sale, transport or importation by Government.*—Nothing in this Act shall apply to the manufacture, possession, use, sale transport or importation of any explosive—

(a) by order of the Government, or

(b) by any person employed under the Government in the execution of this Act, or as a keeper of a magazine, artisan, soldier, sailor, policeman, or otherwise or enrolled as a volunteer, under the Indian Volunteers XX of 1869. Act, 1869, in the course of his employment or duty as such."

<sup>1</sup> Omitted by Notification No. 57, dated the 30th October, 1917. *Mysore Residency Orders*, 1917, Pt. I, p. 109.

<sup>2</sup> Inserted by Notification No. 61, dated the 24th June, 1927. *Mysore Residency Orders*, 1927, Pt. I, p. 25.

<sup>3</sup> Added by Notification No. 75, dated the 13th August, 1927. *Mysore Residency Orders*, 1927, Pt. I, p. 32.

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the Indian Arms Act, 1878, as applied to the Civil and XI of 1878.  
Military Station of Bangalore;

<sup>1</sup>[(iv)] to the possession, sale, transport and importation of Di-nitro-phenol, when packed in watertight packages and mixed with water in the proportion of 85 parts by weight of Di-nitro-phenol to not less than 15 parts by weight of water.]

4. *Definitions*.—In these rules, unless there is anything repugnant in the subject or context:—

(1) "The Act" means the Indian Explosives Act, 1884, as applied to the Civil and Military Station of Bangalore.

(2) "Ammunition" means any explosive when the same is enclosed in any case or contrivance, or is otherwise adapted or prepared, so as to form—

(a) a cartridge or charge for small-arms, cannon or any other weapon, or for blasting, or

(b) a safety or other fuze for blasting or for shells, or

(c) a tube for firing explosives, or

(d) a percussion cap detonator, fog-signal, shell, torpedo, war-rocket, or any other contrivance other than a fire-work.

(3) "Authorised explosive" means an explosive included in a list of authorised explosives prepared by the Chief Inspector of Explosives with the Government of India and in force for the time being.<sup>2</sup>

(4) "Chlorate-mixture" means any explosive containing a chlorate.

(5) "Detonator" means a capsule or case which is of such strength and construction, and contains fulminate in such quantity, that the explosion of one capsule or case would communicate the explosion to other like capsules or cases.

(6) "District Magistrate" means the District Magistrate of the Civil and Military Station of Bangalore.

<sup>3</sup>[6. (a) "District Magistrate" includes, in cases where the Resident so directs, the Additional District Magistrate of the Civil and Military Station of Bangalore.]

(7) "Fulminate" means any chemical compound or mechanical mixture whatever, which, from its great susceptibility to detonation, is suitable for employment in percussion-caps or any other appliance for

<sup>1</sup> The former clause (iii) was omitted and the present clause inserted by Notification No. 34, dated the 6th August, 1920. *Mysore Residency Orders*, 1920, Pt. I, p. 26.

<sup>2</sup> For list of "Authorised Explosives", see Notification No. E-11 (1), dated the 5th March, 1920. *Gazette of India*, 1920, Pt. II, p. 354.

<sup>3</sup> Inserted by Notification No. 27, dated the 24th April, 1917. *Mysore Residency Orders*, 1917, Pt. I, p. 235.

developing detonation, or which, from its extreme sensibility to explosion and from its great instability (that is to say, readiness to undergo decomposition from very slight exciting causes), is especially dangerous.

(8) "Gunpowder" means gunpowder ordinarily so called.

(9) "The Indian Explosives Act, 1884," means the Indian Explosives Act, 1884, as applied to the Civil and Military Station of Bangalore.

(10) "Nitrate mixture" means any preparation, other than gunpowder, which is formed by the mechanical mixture of nitrate with any form of carbon or with any carbonaceous substance not possessed of explosive properties, whether sulphur be or be not added to such preparation, and whether such preparation be or be not mechanically mixed with any other non-explosive substance:

and includes

<sup>1</sup>[any explosive containing a perchlorate and not being a chlorate mixture, fulminate or nitro-compound as defined in this rule and] such

Explosives as—

Chilworth special powder,

Ammonal,

Bobbinites, and

Westfallite.

(11) "Nitro-compound" means any chemical compound which is possessed of explosive properties or is capable of combining with metals to form an explosive compound, and is produced by the chemical action of nitric acid (whether mixed or not with sulphuric acid), or of a nitrate mixed with sulphuric acid, upon any carbonaceous substance, whether such compound is mechanically mixed with other substances or not.

(12) "Small-arm nitro-compound" means a nitro-compound adapted and intended exclusively for use in cartridges for small-arms.

(13) "Safety cartridge"—

(i) means a cartridge for small-arms, the case of which can be extracted from the small-arm after firing, and which is so closed as to prevent any explosion in one cartridge being communicated to other cartridges; and

(ii) includes a rifle-calibre machine-gun cartridge, if it is as described in clause (i) whether it is for use with a machine-gun having chambers identical with those of rifles or with a machine-gun having special chambers:

<sup>1</sup> Inserted by Notification No. 10, dated the 6th March, 1920. *Mysore Residency Orders*, 1920, Pt. I, p. 101.

Provided that the diameter of the cartridge in either case (i) or case (ii) does not exceed one inch.

(14) "Safety fuze" means a fuze for blasting which burns and does not explode, and which does not contain its own means of ignition, and which is of such strength and construction, and contains an explosive in such quantity, that the burning of such fuze would not communicate laterally with other like fuzes.

## CHAPTER II.

### CLASSIFICATION OF EXPLOSIVES.

5. *Classes of explosives.*—(1) For the purposes of these rules, explosives shall be classified as follows, namely:—

|         |   |   |   |   |   |   |   |   |                   |
|---------|---|---|---|---|---|---|---|---|-------------------|
| Class 1 | . | . | . | . | . | . | . | . | Gunpowder.        |
| Class 2 | . | . | . | . | . | . | . | . | Nitrate-mixture.  |
| Class 3 | . | . | . | . | . | . | . | . | Nitro-compound.   |
| Class 4 | . | . | . | . | . | . | . | . | Chlorate-mixture. |
| Class 5 | . | . | . | . | . | . | . | . | Fulminate.        |
| Class 6 | . | . | . | . | . | . | . | . | Ammunition.       |
| Class 7 | . | . | . | . | . | . | . | . | Firework.         |

(2) When any explosive falls within more than one of the said classes, it shall be deemed to belong exclusively to the latest of such classes.

6. *Division of nitro-compounds.*—Nitro-compounds shall, for the purposes of these rules, be sub-divided as follows, namely:—

(a) Division 1, comprising—

(i) such explosives, as—

Ballistite,  
Blasting Gelatine,  
Carbonite,  
Cordite,  
Dynamite,  
Gelatine Dynamite,  
Gelnite,  
Nitro-glycerine, and  
Stonite, and

(ii) any chemical compound or mechanically mixed preparation which consists either wholly or partly of nitro-glycerine or some other liquid nitro-compound; and

(b) Division 2, comprising—

(i) such explosives, as—

Amberite No. 2,  
Ammonite,

Bellite,  
Coopal's powder,  
E. C. sporting powder,  
Gun-cotton,  
Picric powder,  
Roburite,  
Schultz's powder, and  
Tonite (or cotton powder),

and

(ii) any nitro-compound, as hereinbefore defined, which is not comprised in division 1.

7. *Division of chlorate-mixtures.*—Chlorate-mixtures shall, for the purposes of these rules, be sub-divided as follows, namely:—

(a) Division 1, comprising—

(i) such explosives, as—

Permonite, and  
Polarite, and

(ii) any chlorate preparation which consists partly of nitro-glycerine or of some other liquid nitro-compound; and

(b) Division 2, comprising—

(i) such explosives, as—

Cheddite and  
Steelite, and

(ii) any chlorate-mixture, as hereinbefore defined, which is not comprised in division 1.

8. *Division of fulminates.*—Fulminates shall, for the purposes of these rules, be sub-divided as follows, namely:—

(a) Division 1, comprising such compounds as the fulminates of silver and of mercury, and preparations of those substances, such as are used in percussion-caps, and any preparation consisting of a mixture of a chlorate with phosphorus, or certain descriptions of compounds of phosphorus with or without the addition of carbonaceous matter and any preparation consisting of a mixture of a chlorate with sulphur or with sulphuret, with or without carbonaceous matter; and

(b) Division 2, comprising such substances as the chloride and the iodide of nitrogen, fulminating gold and silver, diazobenzol, and the nitrate of diazo benzol.

9. *Division of ammunition.*—Ammunition shall, for the purposes of these rules, be sub-divided as follows namely:—

(a) Division 1, comprising exclusively—

Safety cartridges,  
Safety fuzes for blasting,  
Railway fog-signals, and  
Percussion-caps; and

(b) Division 2, comprising any ammunition, as hereinbefore defined, which *does not contain* its own means of ignition and is not included in Division 1, such as—

Cartridges for small arms, other than safety cartridges,  
Cartridges and charges for cannon, shells, mines, blasting or other like purposes,  
Shells and torpedoes containing any explosive,  
Fuzes for blasting, other than safety fuzes,  
Fuzes for shells,  
Tubes for firing explosives, and  
War-rockets,

which do not contain their own means of ignition: and

(c) Division 3, comprising any ammunition, as hereinbefore defined, which contains its own means of ignition and is not included in Division 1, such as—

Detonators,  
Cartridges for small-arms, which are not safety cartridges,  
Fuzes for blasting, which are not safety fuzes,  
Fuzes for shells, and  
Tubes for firing explosives,  
containing their own means of ignition.

*Explanations.*—The expression “ammunition containing its own means of ignition” means ammunition having an arrangement, whether attached to or forming part of the ammunition, which is adapted to explode or fire the ammunition by friction or percussion.

The expression “percussion-cap” does not include a detonator.

10. *Division of fireworks.*—Fireworks shall, for the purposes of these rules, be sub-divided as follows, namely:—

(a) Division 1, comprising *firework compositions*, that is to say,—

(i) any chemical compound or mechanically mixed preparation of an explosive of inflammable nature, which is used for the purpose of making manufactured fireworks, and is not included in any of the foregoing definitions,

- (ii) any star, and
- (iii) (except as declared in the proviso to this rule) any coloured fire composition: and
- (b) Division 2, comprising *manufactured fireworks*, that is to say, any explosive of class 1, 2, 3, 4 or 6 and any firework composition, when such explosive or composition is enclosed in any case or contrivance, or is otherwise manufactured so as to form a squib, cracker <sup>1</sup>[including Chinese crackers], toy cap or amorco, serpent, rocket (other than a war-rocket), maroon, lance, wheel, Chinese fire, Roman candle, or other article specially adapted for the production of pyrotechnic effects or pyrotechnic signals or sound signals:

Provided that a substantially constructed and hermetically closed metal case, containing not more than 1 lb. of coloured fire composition of such a nature as not to be liable to spontaneous ignition, shall be deemed to be a "manufactured firework" and not a "firework composition".

### CHAPTER III.

#### TRANSPORT.

11. *When license to transport is requisite.*—Explosives required *bona fide* for blasting purposes shall not be transported except under and in accordance with a license granted under these rules:

Provided that nothing in this rule shall apply to the transport by the holder of a license in Form D of any of the explosives covered by his license, and of safety fuzes for blasting in such quantities as he may require for his private use.

#### *Licenses for the general transport of explosives for blasting.*

12. *Application for license for general transport.*—An application for a license in Form 1 (for the general transport of explosives for blasting purposes) shall be in writing and shall state particulars as to the place from which, and the place or places to which, it is desired to transport explosives.

13. *Procedure in granting a license for general transport.*—When the place or places to which explosives are to be transported is or are outside the Civil and Military Station of Bangalore and the railway lands in Mysore over which jurisdiction has been ceded to the British Government a copy of the license shall be forthwith sent—

- (a) when the transport of explosives is authorised to a Presidency town, or its suburbs, or to Rangoon, to the Commissioner of Police;

<sup>1</sup> Inserted by Notification No. 67, dated the 30th October, 1917. *Mysore Residency Orders*, 1917. Pt. I, p. 108.

- (b) when the transport of explosives is authorised to any other place, to the Magistrate of the District in which such place is situated.

14. *Procedure in transporting explosives under license for general transport.*—Every consignment of explosives transported under a license in Form 1 shall be accompanied by a pass issued by the licensee in the form prescribed in Form 1; and such pass shall (if the consignment be despatched by rail) be attached to the way-bill or invoice, as the case may be.

15. *Procedure in issuing passes.*—A copy of every pass issued under rule 14 shall forthwith be sent—

- (i) to the licensing authority; and
- (ii) when the place to which the consignment is sent is outside the local limits of the authority of the licensing-officer, to the officer indicated in rule 13.

#### CHAPTER IV.

##### MANUFACTURE, POSSESSION AND SALE.

###### *Manufacture.*

16. *When license to manufacture is requisite.*—An explosive shall not be manufactured except under, and in accordance with the conditions of, a license granted under these rules for such manufacture:

Provided that no license under this rule to manufacture shall be necessary—

- (a) for the making of a small quantity of an explosive for the purpose of chemical experiment and not for practical use or for sale; or
- (b) for the filling for private use, and not for sale, of any safety cartridges to the amount allowed by these rules to be possessed for private use; or
- (c) in the case of any person who, holding a license under these rules, to possess an explosive—
  - (i) fills with the said explosive, for sale or otherwise, cartridges for small-arms; or
  - (ii) by filling cartridges, making charges, or drying, sifting, fitting or otherwise, adapts or prepares the said explosive for use exclusively in his mine or quarry or in some excavation or work carried on by him or under his control.



17. *Conditions to be observed by persons filling cartridges.*—The following conditions shall be observed by every person filling cartridges for small-arms under clause (c) (i) of the proviso to rule 16:—

- (a) there shall not be in the room in which such filling is being carried on more than five pounds of gunpowder or small-arm nitro-compound or such quantity of any other explosive as is prescribed by the Resident in Mysore in this behalf unless it is made up into safety cartridges;
- (b) no work unconnected with the making of cartridges shall be carried on in the said room while such filling is being carried on;
- (c) there shall not be in the said room, while such filling is being carried on, any fire or any artificial light except a light of such construction, position and character as not to cause any danger of fire or explosion;
- (d) if filling is done on magazine premises, the said room shall be detached from the magazine, but shall be situated in the immediate neighbourhood thereof and at such distance therefrom as may be specified on the license by the authority granting the same; and
- (e) the licensee shall give notice to the authority which granted his license that he intends to carry on such filling of cartridges as is allowed by this rule.

18. *Conditions to be observed by persons adapting or preparing cartridges.*—The following conditions shall be observed by every person adapting or preparing explosives under clause (c) (ii) of the proviso to rule 16:—

- (a) there shall not be in the workshop in which such adaptation or preparation is carried on more than one hundred pounds of gun-powder, or such quantity of any other explosive as is prescribed by the Resident in Mysore in this behalf;
- (b) no work unconnected with such adaptation or preparation shall be carried on in the said workshop while such adaptation or preparation is being carried on;
- (c) the said workshop shall be detached from the magazine or licensed premises, but shall be situated in the immediate neighbourhood thereof and at such distance therefrom as may be specified on the license by the authority granting the same;
- (d) an explosive of one description shall not be converted into an explosive of another description, and an explosive shall not be unmade or resolved into its ingredients; and

- (e) the licensee shall give notice to the authority which granted his license that he intends to carry on such adaptation or preparation as is allowed by this rule.

*Possession.*

19. *When license to possess is requisite.*—An explosive shall not be possessed except under and in accordance with the conditions of a license granted under these rules for possession:

Provided that no license under these rules shall be necessary for the possession—

- (a) of any explosive by a carrier or other person for the purpose of transport, when the same is being kept or transported in accordance with the provisions of Chapter VII regulating the transport of such explosive; or
- (b) by any person who is lawfully entitled under the Indian Arms Act, 1878, as applied to the Civil and Military Station of Bangalore or the rules for the time being in force thereunder, to possess any explosive coming under the head of ammunition as defined in that Act, of such explosives in such quantities as may be prescribed by the said Act or rules, or, when no quantities are so prescribed, in reasonable quantities for his own private use; or
- (c) by any person, of explosives under and in accordance with the conditions of a permit granted under rule 52, rule 53, or rule 54; or
- (d) by any person, of manufactured fireworks in any quantity—
- (i) in the municipality, not exceeding fifty pounds,
- (ii) elsewhere, not exceeding two hundred pounds,
- when the same are obtained and intended by such person for immediate use and not for sale and are possessed by him for a period not exceeding fourteen days, and when they are kept in a substantial receptacle which is exclusively appropriated to the keeping of explosives and is closed and secured so as to prevent unauthorised persons from having access to the explosives; or
- (e) by any person for his own private use and not for sale, of—
- (i) gunpowder in any quantity not exceeding thirty pounds; or
- (ii) safety cartridges made with gunpowder and containing in all not more than one hundred and fifty pounds of gunpowder; or
- (iii) cartridges (non-safety) for small-arms, made with gunpowder and containing in all not more than five pounds of gunpowder; or

- (iv) cartridges for cannon or blasting, made with gunpowder, and not containing their own means of ignition and containing in all not more than thirty pounds of gunpowder; or
- (v) cartridges for small-arms, made with small-arm nitro-compound and containing in all not more than ten pounds of small-arm nitro-compound; or
- (vi) a small-arm nitro-compound in any quantity not exceeding ten pounds; or
- (vii) percussion-caps; or
- (viii) safety fuzes for blasting; or
- (ix) railway fog-signals and flare-lights when kept by a railway company for use on their railway:

Provided that the quantity of explosive kept by any person under clause (c) shall be in substitution of the like quantity by weight of any other explosive which might otherwise be so kept by him, and that the quantity of such other explosive shall be reduced accordingly: and, further, that, if the explosive so kept for private use under this clause is in any other form than that of cartridges for small-arms, the explosive of which the quantity is so to be reduced shall be some explosive other than safety cartridges made with gunpowder.

20. *Saving of general prohibition under the Act.*—Nothing in rule 16 or rule 19 shall be deemed to authorise the manufacture or possession of an explosive in contravention of any prohibition notified under section 6 of the Act, and for the time being in force.

#### *Sale.*

21. *When license for sale is requisite.*—An explosive shall not be sold except under and in accordance with the conditions of a license granted under these rules for such sale:

Provided that this rule shall not apply to the sale by any person of an explosive which he is lawfully entitled to possess for his own private use to any person who is lawfully entitled to possess the same.

### CHAPTER V.

#### MAGAZINES.

22. *Procedure in applying for license in Form I.*—An applicant for a license to possess explosives (other than an explosive of the 5th Fulminate class) in, and to sell explosives from, a magazine shall submit to

the District Magistrate an application in Form F in Schedule II, and shall comply with the conditions embodied therein.

23. *Issue of notices to objectors to the site of the magazine.*—Upon receipt of the said application the District Magistrate shall forthwith cause notice to be published of such application and of the time and place at which he will be prepared to hear it, and calling upon any person objecting to the establishment of the magazine on the proposed site to give notice of such objection to him and to the applicant not less than seven clear days before the day fixed for hearing the application, together with his name, address and calling, and a short statement of the grounds of his objection.

The day of hearing the application shall be a day following soon after the expiration of the period of one month referred to in rule 25.

24. *Notices to the municipal authority.*—Where the site of the proposed magazine lies within, or within one mile of the limits of, the jurisdiction of the municipal authority, the applicant shall prepare, for service on such authority, a notice of the application and of the said day of hearing.

25. *Publication and service of notices.*—The notice under rule 23 shall be published and the notice under rule 24 served, at the expense of the applicant, by the District Magistrate not less than one month before the said day of hearing.

26. *Inquiry into objections.*—On the day fixed for the hearing, or any day to which such hearing may be adjourned from time to time, the District Magistrate shall hear any objections preferred in accordance with rule 23, and by the authority referred to in rule 24, and shall make such inquiry as he may deem necessary.

27. *Report on completion of inquiry.*—On completion of the inquiry the District Magistrate shall forward the application (accompanied by a draft license in Form I of Schedule II) to the Chief Inspector of Explosives together with a report stating whether he—

(a) disapproves of the proposed site for the magazine, or

(b) approves of the proposed site either unconditionally or subject to any such restrictions or precautions as he considers necessary.

28. *Procedure to be observed by the Chief Inspector of Explosives on receipt of report.*—The Chief Inspector of Explosives shall forward to the applicant a statement in Form G in Schedule II, showing the distances which should in his opinion, be kept clear round the magazine. Such distances should ordinarily be those specified in the table annexed to these rules.

29. *Submission of application to the licensing authority.*—The said Form G shall be returned, with the third column duly filled in, by the

applicant to the Chief Inspector of Explosives, who shall submit it to the licensing authority with his recommendations and with the draft license and a statement in Form H showing the distances which, after considering any representation made by the applicant when returning Form G to him, he considers should be kept clear round the magazine.

30. *Grant of license.*—The licensing authority may thereupon grant the license as applied for with such modifications or restrictions (if any) as may be deemed proper, or may reject the application.

31. *Procedure on grant of license.*—A copy of every license granted under rule 30 shall be forwarded to the Chief Inspector of Explosives, and the original license shall be forwarded to the District Magistrate if the license has not been granted by him.

32. *Endorsement of license.*—The District Magistrate when satisfied that all the conditions prescribed in the license in regard to the magazine have been complied with, shall forthwith endorse the license, and unless and until so endorsed the license shall not come into force.

If it is decided not to endorse a license the District Magistrate shall forthwith inform the Chief Inspector of Explosives and the licensing authority (if the license has not been granted by the District Magistrate).

## CHAPTER VI.

### LICENSES AND PERMITS.

#### *Grant of licenses.*

33. *Forms of licenses, licensing authorities and fees.*—(1) Licenses for the transport, manufacture, possession and sale of an explosive may be granted by the licensing authorities set forth in Schedule I in the Forms. for the purposes, subject to the conditions and on payment of the fees specified therein.

(2) *Validity of license.*—Licenses granted in accordance with the provisions of these rules shall be valid for such period as is specified in column 7 of Schedule I.

34. *Conditions under which licenses are held.*—(1) Every license granted under these rules shall be deemed to be granted subject to the conditions contained therein.

(2) Such conditions shall comprise all those specified in the prescribed Form and (in the case of a license in Form I) such further conditions as the licensing authority may impose.

(3) Such conditions shall, in the case of a license granted by the Governor General in Council to manufacture any explosive in any quantity, include all the conditions prescribed under these rules and in the Forms of license for possessing such explosive in such quantity.

Provided that, notwithstanding anything contained in clause (2) or clause (3), the Resident in Mysore or the Governor General in Council, as the case may be, may, on the recommendation of the Chief Inspector of Explosives, dispense with any of the conditions specified in the prescribed form of a license

*Amendment of licenses.*

35. *Amendment of licenses.*—(1) Provided that these rules are otherwise complied with, every license granted under them may be amended by the authority granting such license.

(2) A licensee who desires to have his license amended shall submit it to the District Magistrate with an application stating the nature of the amendment and the reasons for it. The District Magistrate, in cases in which the original license was not granted by him, shall forward the license and the application with his recommendation to the licensing authority direct, or, if the license to be amended is in Form I, through the Chief Inspector of Explosives:

Provided that the Chief Inspector of Explosives shall be consulted before a license in Form I originally granted by the District Magistrate is amended.

(3) No fee shall be charged for the amendment of a license.

*Renewal of licenses.*

36. *Renewal of licenses issued by the Governor General in Council.*—The Resident in Mysore may, from time to time, renew, on the same or on altered conditions, any license granted by the Governor General in Council for the manufacture of explosives:

Provided as follows:—

- (i) no such renewal shall admit of the manufacture of any explosive other than that specified in the original license;
- (ii) every such renewal shall first be approved by an Inspector of Explosives; and
- (iii) every such renewal shall be for a period not exceeding one year.

37. *Renewal of licenses in Form I.*—(1) The authority granting a license in Form I may renew such license on the same or altered conditions.

(2) A licensee who desires such renewal shall, within the period specified in Rule 40, submit the license to the Chief Inspector of Explosives with a written application stating the quantity and description of explosives for the storage of which he desires the license to be renewed.

(3) On receipt of such application the Chief Inspector of Explosives shall, if there is any proposed variation in the particulars of the license, and if he considers it necessary to do so, send to the applicant a statement in Form G in Schedule II hereto annexed, showing the distances which should in his opinion, be kept clear round the magazine.

(4) The procedure prescribed in rules 29 to 32 shall then be followed so far as it is applicable.

38. *Renewal of licenses not provided for in rule 36 or rule 37.*—Every license for the manufacture, possession or sale of explosives not provided for in rule 36 or rule 37 may, unless the circumstances have so changed that the grant of a new license either would not be authorised under the Act and these rules, or is deemed objectionable by the licensing authority, be renewed on application made within the period specified in rule 40.

39. *Renewal of license for general transport for blasting explosives.*—Every license for the general transport of explosives may be renewed by the authority granting such license.

40. *Time for making application for the renewal of a license.*—Every application for the renewal of a license shall be made at a date not less than thirty days before the date on which the original license expires, and if the application is so made, the magazine or premises shall be held to be duly licensed or the transport license shall be held to be duly granted until such date as the licensing authority issues the renewed license or until an intimation that the renewal of the license is refused has been communicated to the applicant.

41. *Fee chargeable on renewal of license.*—The fee chargeable for renewing any license shall be the fee originally chargeable under these rules on such license.

#### *Expiration of licenses.*

42. *Procedure on expiration or forfeiture of license.*—A person licensed to manufacture, possess or sell any explosive shall, on the expiration or forfeiture of his license, forthwith give notice to the District Magistrate of the description and quantity of explosives in his possession, and shall comply with any directions which the District Magistrate may think fit to give in regard to the possession or transport of the same.

43. *Issue of temporary license when original has expired or been forfeited.*—(1) On receiving a notice under rule 42 the District Magistrate may grant, for a term not exceeding three months from the date of such expiration or forfeiture, as the case may be, a temporary license for the possession or sale of the actual stock of explosives which is held at the time of the issue of such license.

(2) The fee chargeable on such license shall bear the same proportion to the fee charged on the expired or forfeited license as the period covered by the temporary license bears to a full year.

44. *Death, etc., of license.*—(1) When any person holding a license under these rules dies, or is adjudicated an insolvent, or is otherwise disqualified by operation of law from continuing the business in respect of which the license was granted, any person carrying on such business shall forthwith apply to the proper licensing authority for the grant of a new license in his own name for the unexpired portion of the original license.

(2) No person applying for a license under clause (1) shall, during such time as is reasonably necessary for making his application, and during the pendency thereof, be liable to any penalty under the Act or these rules for carrying on the business and acting under the license, so that he otherwise conforms with the provisions of the Act and these rules.

(3) The fee chargeable on such new license shall be one rupee :

Provided that no fee shall be charged on a new license in Form 1 or Form D of Schedule II.

*Forfeiture of licenses.*

45. *Liability of license to forfeiture.*—Every license granted under these rules shall be liable to be forfeited by the licensing authority on breach of any of the conditions contained therein, and also by the Resident in Mysore if at any time the continuance of the license in the hands of the licensee is deemed objectionable.

*General provisions as to licenses.*

46. *Production of licenses or passes on demand.*—(1) Every person holding a license, or acting under a license, granted under these rules shall be bound to produce the same, or an authenticated copy kept at the magazine or place to which the license applies, when called upon to do so by an Inspector of Explosives, or any Magistrate, or any Police Officer not below the rank of a Police Officer in charge of a police-station; and

(2) Any person in charge of a consignment of blasting materials under cover of a pass, issued by a holder of a license in Form 1 of Schedule II, shall be bound to produce such pass when called upon to do so by any of the officers aforesaid.

(3) Copies of any license may, for the purposes of this rule, be authenticated free of charge by any of the officers aforesaid or by the authority which granted the license.

47. *Validity of license under the Arms Act.*—Any authority granting a license under these rules may, if such authority thinks fit, direct an order written on the license that it shall have the effect of a like license granted by the like authority under the Indian Arms Act, 1878, as applied to the Civil and Military Station of Bangalore.



48. *Duplicate license in case of loss of license.*—When a license granted under these rules is lost or destroyed through no fault of the licensee, a duplicate may be granted to the licensee on payment of a fee of eight annas.

49. *Mode of payment of fees.*—All fees chargeable under these rules shall be collected by impressed stamps:

Provided that, when such fees have been made over to any local authority, they shall be collected in such manner as the local authority may from time to time direct.

50. *Discretion of authority empowered to grant, amend or renew licenses.*—Every authority empowered to grant, amend or renew a license may in its discretion,

(a) refuse to grant, amend or renew such license, or

(b) refer the application for orders to the Government (if any) to which it is subordinate.

51. *Executive control over licensing authorities.*—All subordinate authorities acting under this chapter shall perform their duties subject to the control of their executive superiors and of the Resident in Mysore.

*Permits for temporary possession of explosives to be granted free of cost.*

52. *Permit for temporary storage of explosives in a magazine in excess of licensed quantities.*—(1) A permit may be granted to the holder of a license in Form I, to store in his magazine, subject to the conditions of his license (except in this respect) and for a period not exceeding one month, any quantity of explosives in excess of that entered in his license.

(2) Such permit shall be granted by the authority who issued the license and only when it is proved to his satisfaction that the excess storage is due to unforeseen circumstances.

53. *Permit for temporary possession of fire-works by non-licensees.*—A permit may be granted to any person to possess, in the municipality, manufactured fire-works in any quantity exceeding fifty pounds but not exceeding two hundred pounds and for any period not exceeding fourteen days, provided that such fire-works are obtained and intended by such person for immediate use and not for sale and are kept in a substantial receptacle which is exclusively appropriated to the keeping of explosives and is closed and secured so as to prevent unauthorised persons from having access to them.

Such permit shall be granted by the District Magistrate or the District Superintendent of Police.

54. *Permit to possess fire-works in excess of licensed quantities.*—A permit may be granted to a holder of a license in Form A, Form B or

Form C to possess, subject to the conditions in his license (except in this respect), any quantity of manufactured fire-works not exceeding one thousand pounds, for a period [not exceeding fifteen days], by the District Magistrate or the District Superintendent of Police.

## CHAPTER VII.

### PRECAUTIONS TO BE OBSERVED IN TRANSPORTING EXPLOSIVES.

#### PART I.—GENERAL.

##### *Packing and Marking.*

55. *Prohibition of consignment or conveyance of improperly packed explosives.*—No explosive shall be tendered for conveyance or conveyed unless packed and marked in accordance with the provisions of rules 56 to 60.

56. *Packing of explosives.*—Whatever be the nature of the explosive and to whatever Class it belongs, the following general rules shall be observed:—

(1) The interior of every package shall be free from grit and otherwise clean.

(2) Save as provided in Schedule III, there shall not be any iron or steel in the construction of any package unless the same is covered with suitable material so as effectually to prevent the exposure of such iron or steel.

(3) Every package, when actually used for the packing of one explosive, shall not be used for the packing of any other explosive or any other article or substance:

Provided that this rule shall not prevent the packing of inner packages containing a propellant in an outer package with inner packages containing gunpowder or other propellant:

Provided also that with ammunition (Division 1) there may be packed in the same package any article which is not of an inflammable or explosive nature, or liable to cause fire or explosion.

(4) Nothing in this rule shall be deemed to prohibit the use of an additional package, whether inner or outer: provided that such additional package shall not be of such character as shall have been prohibited in writing by the Chief Inspector of Explosives.

*Explanation.*—Unless the context otherwise requires—

the expression "outer package" means a box, barrel, case or cylinder of wood, metal or other solid material, of such strength, construction and character, that it will not be broken or accidentally opened, nor become defective or

<sup>1</sup> Substituted by Notification No. 11, dated the 2nd February, 1927. *Mysore Residency Orders, 1927, Pt. I, p. 49.*

insecure whilst being conveyed, and will not allow any explosive to escape;

the expression "inner package" means a substantial case, bag, canister or other receptacle, made and closed so as to prevent any explosive from escaping;

the expression "propellant" means an authorised explosive of the nitro-compound Class adapted and intended exclusively for use as a propelling charge in cannon or small-arms.

57. *Packing of authorised explosives.*—The method of packing authorised explosives of various Classes, respectively, and the maximum amounts which may be packed in any one package shall be those indicated in Schedule III.

58. *Packing of explosives which are not authorised.*—Explosives which are not authorised explosives shall be packed subject to such special precautions as may be prescribed by the Chief Inspector of Explosives.

59. *Labelling and marking of packages.*—(1) On the outermost package there shall be affixed in conspicuous characters, by means of a brand or securely attached label or other mark, the word "Explosive," the name of the explosive, the number of the Class and of the Division to which it belongs, and the name of the manufacturer or sender.

(2) In the case of a nitro-compound or of a chlorate-mixture there shall be added the date of manufacture or issue from the factory, or such sign indicating such date as may be approved by the Chief Inspector of Explosives:

Provided that—

- (a) in the case of cartridges or charges for cannon, shells, mines, blasting or other like purpose, which do not contain their own means of ignition, the marking shall be as for the explosive when not so made up;
- (b) in the case of ammunition (Division 1) (safety fuzes excepted), there shall be added the words "Not liable to explode in bulk";
- (c) in the case of pin-fire cartridges for pistols, there shall be added the words "Pin-fire cartridges"; and
- (d) in the case of safety fuzes or gunpowder, the word "Explosive" and the number of the Class and Division may be omitted.

(3) When an outer package contains more than one explosive, the marking above required shall be affixed separately in respect of each explosive so contained.

60. *Relaxation of packing rules.*—To meet special cases the Chief Inspector of Explosives may, by order in writing, subject to such conditions (if any) as he may think fit to impose, relax any of the conditions imposed by rules 56 to 59.

*Consignment.*

61. *Despatch of explosives to carrier.*—(1) No person shall forward to any warehouseman or carrier any explosive unless he has given notice to such warehouseman or carrier of his intention to forward such explosive and has received an intimation from such warehouseman or carrier that he is prepared to receive such consignment.

(2) Such notice shall state—

- (a) the name and quantity of the explosive to be conveyed; and
- (b) the name and address of the consignee.

62. *Receipt of explosives by carrier.*—No warehouseman or carrier shall send such an intimation as is specified in rule 61 unless he is prepared to receive it, and

- (a) forthwith to despatch such explosive, or
- (b) to deposit it in an authorised magazine or at a place at which some person is licensed to possess such explosive in such quantity.

*Precautions to be observed in loading and unloading explosives.*

63. *Loading and unloading to be by daylight.*—No explosive shall be loaded on, or unloaded from, any carriage between sunset and sunrise.

64. *Prohibition of naked lights, etc.*—During the loading or unloading of an explosive no person shall, nor shall any person be allowed to, bring into, have or use in, dangerous proximity to such explosive any fire or any article or liquid or substance which is liable to cause or communicate fire or explosion (such as charcoal, matches or petroleum) or (unless the use of a light is unavoidable) any light:

Provided that when the use of a light for the purposes of loading or unloading is unavoidable a light may be used if it be of such construction and character and in such position as not to cause any danger from fire or explosion.

65. *Prohibition of smoking.*—During the loading or unloading of an explosive no person shall smoke, nor shall be allowed to smoke on, in or dangerously near to, the carriage containing such explosive.

66. *Prohibition of nailed boots, etc.*—During the loading or unloading of an explosive no person wearing boots or shoes with iron or steel nails, heels or tips, shall handle, nor shall be allowed to handle, such explosive.

67. *Method of handling explosives.*—In the loading or unloading of an explosive the casks or packages containing the explosive shall be

passed from hand to hand and shall not be rolled along, and they shall not be thrown down or dropped but shall be carefully deposited and stowed.

*Loading.*

68. *Protection of explosives in transit.*—(1) Explosives shall be conveyed whenever possible in the interior of a carriage so enclosed on all sides with wood or metal as effectually to protect the explosives from communication of fire; and

(2) When they cannot be so conveyed, they shall be completely covered with a painted cloth, tarpaulin or other suitable material so as effectually to protect the explosives from communication of fire.

69. *Maximum consignments allowed.*—The quantity of explosives conveyed in any one carriage shall not exceed two thousand pounds:

Provided that where the explosives are conveyed under the conditions set forth in clause (1) of rule 68, the quantity of explosives may exceed two thousand pounds, but shall not exceed ten tons in any one carriage on a railway or two tons in any one other carriage.

70. *Explosives of different kinds to be kept apart.*—No explosive, which contains its own means of ignition, shall be conveyed in any carriage which is being used for the conveyance of an explosive not of the same Class and Division, unless it is sufficiently separated therefrom to prevent any fire or explosion which may take place in one such explosive being communicated to another.

71. *Danger from fire and water to be guarded against.*—Due precautions shall be taken by means of a partition or otherwise and by careful stowing, to secure any explosive from being brought into contact with, or endangered by, any other article or substance conveyed in the carriage which is liable to cause fire or explosion; and if the explosive is dangerously affected by water, due precautions shall be taken to exclude water from coming into contact with such explosive.

72. *Protection from naked iron or steel.*—All iron or steel in the interior of the portion of the carriage with which the package containing any explosive is or may come in contact, shall be effectually covered with leather, wood, cloth or other suitable material.

*Conveyance.*

73. *Explosives not to be sent by public carriage.*—No explosive shall be conveyed in any carriage plying for or carrying public passengers.

74. *Carriage to be in charge of competent person or persons.*—The carriage conveying an explosive shall be in charge of, and constantly attended by, some competent person, or by a sufficient number of competent persons.

75. *Intoxicated person not to have charge of carriage.*—No person who is intoxicated shall, nor shall he be permitted to, have charge of, or be in, on or attending to, any carriage conveying explosives.

76. *Driving to be careful.*—The person in charge of a carriage conveying an explosive shall not drive or conduct such carriage in a dangerous or negligent manner.

77. *Prohibition of delay in transit.*—If the quantity of explosive conveyed in the carriage exceeds one hundred pounds the person or persons in charge of such carriage shall not stop or delay at any place for a longer time than may be reasonably necessary, nor stop unnecessarily at any place where such stopping would be attended by public danger.

78. *Avoidance of danger by fire, etc.*—No person shall, during the conveyance of an explosive, do any act or thing in relation to the explosive which is liable to cause fire or explosion and is not reasonably necessary for the conveyance of the explosive or for work immediately connected with such conveyance.

79. *Explosives not to be carried across railway bridges.*—No explosive shall be carried otherwise than by rail across any railway bridge across which reasonable facilities for the conveyance thereof by rail are afforded by the Railway Administration:

Provided that nothing in this rule shall apply to—

- (a) ammunition, Class 6, Division 1, in any quantity; or
- (b) any quantity of gunpowder, or of a nitro-compound or of ammunition, Class 6, Divisions 2 and 3, not exceeding five pounds; or
- (c) any quantity of fireworks not exceeding ten pounds.

*Exemptions and savings.*

80. *Saving as to the conveyance of ammunition and Chinese crackers.*—[Nothing in rules 63 to 72 shall apply to ammunition (Division 1) and in the case of the transport by rail of Chinese crackers (Division 2 of class 7-Fireworks), the provisions of rule 72 may be relaxed during the period from July to March inclusive under an order of the District Traffic Officer, when the number or size of consignments offering is such that, in his judgment, serious delay would be caused by the observance of the rule: provided that in both instances, all due precautions shall be taken to prevent explosion].

81. *Saving as to the conveyance of small consignments.*—Nothing in rules 61, 62 and 73 shall apply to the conveyance of—

- (a) any quantity not exceeding five pounds of any explosive other than a fulminate or ammunition (Division 3) or fireworks (Division 1);

<sup>1</sup> Substituted by Notification No. 27, dated the 24th April, 1917. *Mysore Residency Orders 1917*, Pt. I, p. 235.

- (b) detonators not exceeding two hundred in number and not containing in the aggregate more than three ounces of fulminate:

<sup>1</sup>[(c) Ammunition (Division 1) in any quantity].

Provided that—

- (i) previous notice shall be given to the person in charge of the carriage in which the explosive is intended to be conveyed;
- (ii) all due precautions shall be taken to prevent accidents by fire or explosion;
- (iii) no other explosive shall be carried in the same compartment, and also
- (iv) (in the case of detonators) the consignment shall be covered by a certificate, signed by the consignor, that the quantity of fulminate in the consignment does not exceed the amount specified in sub-clause (b).

82. *Saving as to conveyance by railway.*—Nothing in rules 61, 62, 73, 74 and 77 shall apply to the conveyance of any explosive by railway.

83. *Saving of liability of carrier for breach of these rules when consignee, etc., is in fault.*—Where a carrier is prevented from complying with these rules by the wilful act, neglect or default of the consignor or consignee of the explosive, or other person, or by the improper refusal of the consignee or other person to accept delivery of the explosive, such consignor, consignee or other person who is guilty of such wilful act, neglect, default or refusal shall be liable to the same penalty to which the carrier is liable for a breach of these rules, and his conviction shall exempt the carrier from any penalty under these rules.

## PART II.—RAILWAYS.

### *Consignment.*

84. *Conveyance by railway.*—Rules 85 to 119 shall apply to the transport of explosives by railway.

85. *Certain explosives not to be consigned.*—No explosive which a Railway Administration shall, by any notice or regulation for the time being in force, notify that they will not receive, shall be brought, sent or forwarded to or upon any railway of the said Railway Administration.

86. *Certificate of packing.*—The consignor shall certify that the explosive has been packed in accordance with the rules in force in the United Kingdom or in British India.

<sup>1</sup> Inserted by Notification No. 11, dated the 6th March, 1920. *Mysore Residency Orders*, 1920, Pt. I, p. 102.

87. *Notice of the consignment.*—No person shall send for carriage upon any railway any consignment of an explosive unless—

(1) he has given to the officer in charge of the railway station previous notice in writing (which, at the option of Railway Administration, may extend to 48 hours) of his intention to send such consignment, and stating—

- (a) the true name, description, quantity and mode of packing of the explosive proposed to be conveyed, and
- (b) his own name, and address, and also the name and address of the proposed consignee, and

(2) he has had an intimation in writing from an authorised officer of the railway that such consignment will be received.

88. *Receipt of consignment.*—Consignment of explosives shall be sent to the forwarding station and shall be received by the railway servants only at such times, between sunrise and sunset, as the Railway Administration may appoint.

89. *Certificate in case of nitro-compounds and chlorates.*—The consignor shall (in the case of nitro-compounds and chlorate-mixtures)—

(1) cause the outer packages to be marked with the date of manufacture, and

(2) attach to the consignment note a certificate, or (provided the original is produced for verification) copy of a certificate (so describing the packages as to render their identification certain), signed by the Chief Inspector of Explosives or an Inspector of Explosives,

(a) that the explosive is of standard purity, and

(b) that (if the explosive be dynamite or any nitro-glycerine compound) there are no signs of exuded nitro-glycerine or of liquefaction.

(3) The aforesaid certificate shall ordinarily be valid for six months after date: provided that, in the case of dynamite and other nitro-glycerine compounds which are not used as propellants as defined in rule 56—

(a) such certificate shall lapse on the 31st July, and

(b) a fresh certificate for each conveyance may, at the discretion of the Railway Administration concerned, be demanded during the period from the 1st April to the 31st July (both inclusive) if the original certificate has not been granted later than the 31st March.

90. *Discretion of Railway to refuse improperly-packed explosives.*—The Railway Administration may refuse to receive any packages which



they suspect to contain any explosive packed or sent in contravention of these regulations.

91. *Disposal of consignment on arrival at station of departure.*—Every package containing any explosive proposed to be conveyed on any railway shall immediately on arrival at the station be unloaded and placed in a safe place under the special direction of the officer in charge of the station. These packages should not be allowed to stand in the sun.

*Loading.*

92. *Maximum quantities to be conveyed in one vehicle.*—The quantity of explosives conveyed in any one vehicle shall not in any case exceed that specified in rule 69 and shall not (unless the vehicle is specially constructed and approved by the Railway Board for the carriage of explosives) exceed two-thirds of the normal load of such vehicle:

Provided that (in the case of explosives of the kinds specified in Rule 97) the quantity of explosives shall not—

- (a) where such explosives are stowed in the manner described in clause (1) of that rule, exceed three tons, and
- (b) where such explosives are stowed in the manner described in clause (2) of that rule, exceed five tons.

93. *Prohibition of conveyance with inflammable substances.*—There shall not be conveyed in the same vehicle with any explosive any lucifer or other matches, fuzes, pipe-lights, acids, naphtha, paraffine, petroleum or any other volatile spirit substance liable to give off an inflammable vapour or liable to spontaneous ignition, or to cause or communicate fire or explosion.

94. *Condition of vehicle.*—Vehicles used for the carriage of explosives shall be examined to see that they are spark-proof, and have been cleaned out before they are loaded. Hair-cloth, hides or other suitable materials shall be spread on the floor of the wagon and between each layer of packages, except when the packages are covered with gunny or felt, or contain safety cartridges for small-arms packed in tin-lined service pattern boxes.

95. *Stowing of explosives.*—All packages containing explosives shall be secured in such a way as to prevent concussion when the train is in motion.

96. *Method of stowing of explosives.*—Packages containing explosives other than those referred to in rule 97 shall not be stowed in more than three layers one above the other. But if the packages are in rectangular form and of uniform size (provided they are double packages, and are so secured as to prevent movement during transit) they may be stowed in any number of layers not exceeding five:

Provided that this rule shall not apply to safety cartridges for small-arms packed in tin-lined service pattern boxes.

97. *Method of stowing of high explosives.*—(1) Packages containing dynamite and other blasting explosives of the 3rd (nitro-compound) Class, or explosives of the 4th (chlorate-mixture), 5th (fulminate) Classes or of the 1st Division of the 7th (firework) Class shall be stowed in one layer only and secured so as to prevent movement during transit:

(2) Provided that, if the packages of explosives are in rectangular form and are properly secured so as to prevent movement during transit, they may be stowed in any number of layers not exceeding five.

98. *Loading of vehicles.*—Vehicles shall in every case be locked when loaded with explosives.

#### *Delivery.*

99. *Delivery to consignee.*—The consignee shall remove the explosives from the receiving station during the twelve hours of daylight following its arrival.

100. *Disposal when consignee fails to take delivery.*—If the consignee does not remove the explosive within the time allowed by rule 99, the Railway Administration may return the explosive to the consignor at his risk and expense.

101. *Protection of explosives pending removal.*—Pending removal by the consignee, or return to the consignor, the explosives shall be kept at a safe distance from the station buildings, and (if unloaded) shall be completely covered with tarpaulins or other suitable material and, if necessary, shall be protected by a police guard.

#### *Power to open packages.*

102. *Opening of suspected packages.*—The Railway Administration may at any time open or require to be opened at the risk and expense of the consignor any package which is upon any railway and which is suspected to contain explosives packed or consigned in contravention of any of these rules.

103. *Disposal of opened packages.*—The Railway Administration may return to the consignor at his risk and expense the contents of any package which is found during transit to have been packed or consigned in contravention of any of these rules.

#### *Precautions to be observed during loading and unloading.*

104. *Time of loading and unloading.*—Notwithstanding anything in rule 63, a small consignment of explosives may be unloaded between sunset and sunrise.

For the purposes of this rule no consignment of more than half a wagon load booked to one station shall be deemed to be a small consignment.

106. *Loading and unloading to be continuous.*—Subject to the provisions of rules 63 and 104 the loading and unloading of explosives when once begun shall be diligently proceeded with until the same is completed.

106. *Place of loading and unloading.*—Vehicles containing explosives shall be loaded and unloaded on sidings at a safe distance from the station buildings.

107. *Loading and unloading of Government explosives.*—All explosives under despatch or receipt by a Government arsenal depôt or factory shall be loaded or unloaded by Government servants employed in such arsenal, depôt or factory.

108. *Maximum number of vehicles to be dealt with at a time.*—Not more than five vehicles containing explosives shall be loaded or unloaded at any railway station, at any one time.

109. *Time of transhipment.*—All operations connected with the transhipment of explosives at junction stations shall take place during daylight.

*Marshalling and Shunting.*

110. *Maximum number of vehicles to be hauled in one train.*—Not more than five vehicles containing explosives shall at any one time be hauled in the same train.

111. *Precaution in the case of high explosives.*—No explosive of the 5th (fulminate) Class or of the 3rd Division of the 6th (ammunition) Class, or of the 7th (firework) Class shall be carried in the same train with any explosive not of the Class and Division to which it belongs, unless it be sufficiently separated therefrom to prevent any fire or explosion which may take place in one such explosive being communicated to another.

112. *Position of vehicles in the train.*—Vehicles containing explosives shall be placed at the end of the train away from the locomotive, and shall be close-coupled to one another as well as to the adjoining vehicles, and shall be preceded and followed by three vehicles not loaded with explosives or other article or substance of an inflammable nature.

113. *Shunting.*—When the train is being marshalled, vehicles loaded with explosives shall not be shunted by a locomotive, unless they are separated from the engine by not less than three vehicles containing no explosive nor easily inflammable substance:

Provided that nothing in this rule shall apply to the shunting of vehicles specially constructed for the carriage of explosives.

114. *Limit of speed in shunting.*—During the shunting of vehicles containing explosives the speed of all movements shall not exceed five miles an hour; and loose shunts are prohibited.

115. *Superintendence in shunting.*—No shunting shall be carried on save under the superintendence of a duly authorised officer, who shall see to the observance of rules 113 and 114.

*Brakes.*

116. *Brakes.*—If the vehicles employed in the transport of explosives are provided with brakes, other than iron brakes, the brakes thereon shall on no account be worked while the vehicles are running with a train, nor shall brakes, other than iron brakes, on vehicles immediately adjoining such vehicles be worked while such vehicles are so running.

*Conveyance by Passenger train.*

117. *Conveyance of explosives by passenger train.*—Save as provided in rule 118, no explosives shall be conveyed by passenger train except—

(a) safety cartridges and percussion-caps and safety-fuzes (for blasting), and fog-signals for railway use;

(b) explosives of the 3rd (nitro-compound) Class other than propellants in the form of cartridges up to the limit of 5 lbs:

Provided that no detonators are carried in the same compartment;

(c) detonators to the number of 200 if the amount of fulminate of mercury in the package or packages containing the detonators does not exceed in the aggregate 3 oz. (and a certificate to this effect is tendered by the consignor):

Provided that no other explosive is carried in the same compartment;

(d) <sup>1</sup>[Sporting gunpowder packed in double packages as provided in Schedule III, so long as the gunpowder is contained in tin canisters containing not more than five pounds each packed in a stout wooden case with an outer covering of tin or zinc completely sparkproof, or in metal lined cases of a pattern approved by the Chief Inspector of Explosives. But no outer case shall contain more than 25 lbs. of gunpowder, and the total consignment by one train shall not exceed 80 lbs.]

<sup>1</sup> Substituted by Notification No. 27, dated the 24th April, 1917. *Mysore Residency Orders*, 1917, Pt. I, p. 253.

118. *Conveyance of explosives by mixed train.*—Any explosive may be conveyed by mixed train on any line or section on which goods trains are not running, subject to the following conditions:—

- (1) that not more than one vehicle containing explosives shall be hauled at any one time;
- (2) that such vehicle shall be specially constructed and approved by the Railway Board for the carriage of explosives;
- (3) that there are not less than three vehicles between such vehicle and the engine and between such vehicle and the passenger coaches;
- (4) that such vehicle is close-coupled to the adjoining vehicles; and
- (5) that, immediately on entering a section upon which goods trains are running, such vehicle is detached from the train.

*Exemption.*

119. *Saving as to cartridges for small-arms.*—Nothing in rules 92, 108 and 110 shall apply to separate consignments of safety cartridges for small-arms.

CHAPTER VIII.—SUPPLEMENTARY.

*Powers of Search and Destruction.*

120. *Powers of search and destruction.*—(1) Any of the officers mentioned in clause (2) may, within the areas specified in that clause, but subject to the provisions of the Indian Arms Act, 1878, as applied to the Civil and Military Station of Bangalore, and of any rules for the time being in force thereunder, in cases to which that Act applies—

31 of 1878.

- (a) enter, inspect and examine any place or carriage in which an explosive is being manufactured, possessed, sold or transported under a license granted under these rules, or in which he has reason to believe that an explosive has been or is being manufactured, possessed, sold or transported in contravention of the Indian Explosives Act, 1884 (IV of 1884), or of these rules;
- (b) search for explosives therein;
- (c) take samples of any explosives found therein, on payment of the value thereof if payment can be made at the time the samples are taken; and
- (d) seize, detain, remove and, if necessary, destroy or otherwise render harmless any explosive found therein in respect of which he has reason to believe that any of the provisions of the said rules or Act have been contravened.

(2) The officers and areas referred to in clause (1) are:—

Officers.

Areas.

|   |  |
|---|--|
| <p>The Chief Inspector and Inspectors of Explosives.<br/>The District Magistrate<br/>The Superintendent or an Inspector of Police.<br/>All Magistrates subordinate to the District Magistrate.<br/>Any Sub-Inspector of Police, if so directed by the Resident in Mysore.</p> | <p>In all parts of the Civil and Military Station of Bangalore and on the Railways in Mysore over which jurisdiction has been vested to the British Government.<br/>Within their respective jurisdictions.<br/>Within the area over which his authority extends.</p> |
|---|--|

(3) Whenever the Chief Inspector or any Inspector of Explosives, or any Magistrate subordinate to the District Magistrate, or any Police Officer seizes, detains or removes any explosive under this rule, he shall report the act to the District Magistrate.

(4) Neither the Chief Inspector nor an Inspector of Explosives, nor any Magistrate subordinate to the District Magistrate nor any Police Officer shall under these rules destroy or otherwise render harmless any explosive without the previous sanction of the District Magistrate unless the matter appears urgent and fraught with serious public danger.

(5) Whenever any officer destroys any explosive or otherwise renders it harmless, he shall take and keep a sample thereof, and shall, if required, give a portion of the sample to the person owning the explosive or having the same under his control at the time of seizure; and whenever any officer other than the District Magistrate so deals with any explosive, he shall report the circumstance to the District Magistrate.

*Penalties.*

121. *Penalties.*—Whoever commits any offence mentioned in the first column of the following table shall be punishable with fine which may extend to the amount indicated in that behalf in the second column of that table:—

| 1   | 2                      |
|---|------------------------|
| (1) Transporting blasting material in contravention of rule 11.   | One thousand rupees.   |
| (2) Manufacturing an explosive in contravention of rule 16.   | Three thousand rupees. |
| (3) Contravening any of the provisions of rules 17 and 18 relating to the manufacture of explosives.  | One thousand rupees.   |
| (4) Possessing an explosive in contravention of rule 19.  | One thousand rupees.   |
| (5) Selling an explosive in contravention of rule 21.   | Five hundred rupees.   |
| (6) Contravening a condition of a license granted under article 6 of Schedule I.  | Three thousand rupees. |
| (7) Contravening a condition of a license granted under article 2, article 3, article 4, article 5, article 11 or article 12 of Schedule I. | Five hundred rupees.   |

|   | 1 | 2                    |
|---|---|----------------------|
| (8) Contravening a condition of a license granted under article 1, article 7, article 8, article 9 or article 10 of Schedule 1. |   | One thousand rupees. |
| (9) Contravening any direction given under rule 42 for the disposal of an explosive.  |   | One thousand rupees. |
| (10) Failing to produce a license (or authenticated copy thereof) or pass when called upon to do so under rule 46.              |   | Two hundred rupees.  |
| (11) Contravening any of the provisions of Chapter VII relating to the transporting of explosives.                              |   | One thousand rupees. |
| (12) Furnishing a false certificate under rules 81, 88, 89 and 117.   |   | Two hundred rupees.  |

### Exemptions.

122. *Saving as to acts done in emergency, etc.*—Nothing in these rules, shall render liable to any penalty any carrier, or warehouseman or the person having charge of any carriage for any act done in breach of these rules, if he proves that by reason of stress of weather, inevitable accident, or other emergency, the doing of such act was under the circumstances, necessary and proper.

**SCHEDULE 1.**

*Licenses (vide rule 33).*

| Number. | Form of License<br>(See Schedule II). | Purpose for<br>which granted.  | Kinds<br>and maximum<br>quantities<br>of explosives for<br>which granted. | Authority<br>entitled to grant<br>license. | Fee.            | Period for<br>which license<br>is valid.   |
|---------|---------------------------------------|--|---|--|-----------------|--|
| 1       | 2                                     | 3  | 4   | 5  | 6               | 7  |
|         |                                       |  | <i>Transport.</i>   |  |                 |  |
| 1       | 1                                     | For the general transport of explosives required for blasting purposes by a holder of a license in Form E or Form I, or by a person storing blasting explosives in a magazine licensed by the Municipality, from the place of storage or the magazine as the case may be to such place or places as the licensing authority may specify. | Any explosive in any quantity.  | Comm-isioner of Police.]                   | Free of charge. | One year from the issue of the license or such less period as the licensing authority may prescribe. |

<sup>1</sup> Substituted by Notification No. 72, dated the 6th September, 1928. *Myorot Residency Orders, 1928. Pt. I, p. 24.*

CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Orders 359  
under Acts locally applied.)

SCHEDULE I—contd.  
Licenses (vide rule 33).

| Number. | Form of License<br>(See Schedule II). | Purpose for<br>which granted.  | Kinds<br>and maximum<br>quantities<br>of explosives for<br>which granted.   | Authority<br>entitled to grant<br>license. | Fec.  | Period for<br>which license<br>is valid.                                      |
|---------|---------------------------------------|--|---|--|---|---|
| 1       | 2                                     | 3  | 4   | 5  | 6   | 7   |
|         |                                       |  | <i>Manufacture, Possession and Sale</i>   |  |   |   |
| 2       | A                                     | To manufacture, possess and sell at such places as may be approved by the licensing authority. | (i) Two hundred pounds in all of gunpowder, and small-arm nitro-compounds, together with any quantity of explosives contained in ammunition (Division 1), or<br><br>(ii) Two hundred pounds of manufactured fireworks, or   |  | Rs.<br>Covering the maximum quantity of explosives allowed or any less quantity exceeding one-half such maximum . 20<br>Covering half such maximum or any less quantity exceeding one-fourth . 10<br>Covering one-fourth such maximum or any less quantity . 5<br>Where the applicant holds and produces a license in Form III of Schedule IV of the Bangalore Arms Rules, 1912—free of charge.<br>Covering the maximum quantity of explosives allowed or any less quantity exceeding one-half such maximum . 10<br>Covering half such maximum or any less quantity exceeding one-fourth . 5<br>Covering one-fourth such maximum or any less quantity . 2-8<br>Where the applicant holds and produces a license in Form III or Form IV of Schedule IV of the Bangalore Arms Rules, 1912—free of charge.<br>Annas 8. |   |
| 3       | B                                     | To possess and sell at such place as may be approved by the licensing authority.               | (iii) Sixty pounds in all of gunpowder, small-arm nitro-compounds and manufactured fireworks together with any quantity of explosives contained in ammunition (Division 1), or<br><br>(iv) Any such less quantity of any of the said explosives as the licensing authority may think fit to specify in the license. | [Commissioner of Police.]                  |   | Up till the 31st day of December of the year for which the license is issued. |
| 4       | C                                     | To possess at such place as may be approved by the licensing authority.                        |   |  |   |   |

<sup>1</sup> Substituted by Notification No. 72, dated the 6th September, 1923. *Mysore Residency Orders, 1923, Pt. I, p. 24.*



SCHEDULE I—contd.  
Licenses (vide rule 33).

| Number. | Form of License (See Schedule II).                          | Purpose for which granted.   | Kinds and maximum quantities of explosives for which granted.                                    | Authority entitled to grant license.   | Fee.   | Period for which license is valid.  |
|---------|---|--|--|--|--|---|
| 1       | 2   | 3  | 4  | 5  | 6  | 7   |
| 5       | D   | To possess (granted to contractors, cultivators and other persons only when the explosives are proved to the satisfaction of the licensing officer to be required <i>bona fide</i> for blasting purposes). | One hundred pounds of gunpowder, ten pounds of other explosives and one hundred detonators.      | [Commissioner of Police.]  | Free of charge.  |   |
| 6       | Such Form as the Governor-General in Council may prescribe. | To manufacture [in cases not provided for in Article (2)].   | Any explosive in any quantity.   | The Governor-General in Council.   | Such fee as the Governor-General in Council may prescribe. |   |
| 7       |   |  |  |  |  |   |
| 8       |   | To possess [in cases not provided for in Articles (2), (3), (4) or (5)] at such place as may be approved by the licensing authority.   | Fulminates Any explosive (not being a fulminate) in any quantity not exceeding sixty pounds.     | [Commissioner of Police.]  | Rs. 5.   | Up till the 31st day of December of the year for which the license is issued. |
| 9       | I   | To possess [in cases not provided for in Article (2), (3), (4), (5) or (8)] in a magazine.   | Any explosive (not being a fulminate) in any quantity.   | The Resident in Mysore or such officer as the Resident may authorise in this behalf. | Rs. 15.  |   |
| 10      | I   | To possess in and sell [in cases not provided for in Article (3)] from a magazine.   | Any explosive (not being a fulminate) in any quantity  |  | Rs. 20.  |   |
| 11      | J   | To the holder of a license to possess any explosive to sell such explosive.  | Any explosive in any quantity.   |  |  |   |
| 12      | J   | To sell from a magazine in connection with which a license has been granted under Article (9) or (10)  | Gunpowder, or small-arm nitro-compound or ammunition (Division 1) or fire-works in any quantity. | [Commissioner of Police.]  | Rs. 5.   |   |

<sup>1</sup> Substituted by Notification No. 72, dated the 6th September, 1928. *Mysore Residency Orders*, 1928. Pt. I, p. 24.

CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Orders 361  
under Acts locally applied.)

SCHEDULE II.

PRESCRIBED FORMS.

FORM I.

(Article 1 of Schedule I.)

[FREE OF CHARGE.]

General license to transport explosives required for blasting purposes.

(To be granted to holders of licenses in Forms E or I contained in Schedule II to the Bangalore Explosives Rules, 1915, or to those storing blasting explosives in a magazine licensed by the Municipality.)

A general license is hereby granted to  
to transport explosives required for blasting purposes from  
to the places\* specified below, subject to the conditions hereinafter  
contained.

\* Places of destination

The license shall continue in force till the

The

19 .

Seal.

(Signature.)

District Magistrate.

Conditions of license.

7 of 1984.

1. The license is subject to the Indian Explosives Act, 1884, and to the rules made thereunder.

2. It becomes void on the expiration of the term mentioned, or if a consignment breaks bulk before reaching the place of destination, or if the explosive is taken from or to any place other than the places mentioned in the license.

3. It authorizes the licensee to deliver consignments of explosives required for blasting purposes from and to the places specified in the license: provided—

- (i) that the consignee has taken out a license for the possession of such explosives under the Indian Explosives Act, 1884;
- (ii) that the quantity of explosives despatched to any consignee is not in excess of the quantity which such consignee is entitled to possess;
- (iii) that each consignment of explosives is covered by a pass in the form appended hereto; and that (when the explosives are transported by rail) such pass shall be attached to the way-bill or invoice (as the case may be);
- (iv) that a copy of the pass issued with each consignment is forthwith sent to the authority granting the license and (in cases where the explosives are being transported to a place beyond the local limits of the jurisdiction of such authority) also to the Magistrate of the District to which the explosives are consigned or to the Commissioner of Police if the explosives are consigned to a Presidency-town or Rangoon;

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under Acts locally applied.)

- (v) that any loss, shortage or theft of explosives in transit is reported without delay to the licensing authority and to the police-station in the jurisdiction of which the loss, shortage or theft is discovered.

FORM OF PASS.

[See condition 3 (iii) of License.]

Pass granted by the holder of General Transport License (Explosives) No. for the transport of a consignment of explosives required for blasting purposes.

No.

This pass covers packages containing (description of explosives and weight) while in transit from to  
Name of consignee

No. of consignee's license to possess explosives

Date of despatch of consignment

Approximate date on which consignment should reach its destination

(Signed)

Holder of General Transport License No.

FORM A.

(Article 2 of Schedule I.)

[FEE REESES IN STAMPS.]

License to manufacture, possess and sell gunpowder, or small arm nitro-compound, or an explosive of the 1st Division of the 6th (Ammunition) Class, or an explosive of the 7th (Fire work) Class.

[Granted by the District Magistrate.]

| Name, etc., of licensee and place of residence. | Place of business, factory or shop. | <sup>1</sup> Description and) Maximum quantity of explosive to be possessed at any one time | Description and quantity of explosive to be manufactured during the year. | Date on which license expires. |
|---|-------------------------------------|---|---|--------------------------------|
| 1   | 2                                   | 3   | 4   | 5 <sup>2</sup>                 |
|   |                                     |   |   | The 31st December 19 .         |

Civil and Military Station  
of Bangalore.

(Signature)

District Magistrate.

19 . Seal.

<sup>1</sup> Added by Notification No. 112, dated the 28th September, 1923. *Mysore Residency Orders*, 1923, Pt. I, p. 36.

<sup>2</sup> Former column 5 was omitted, and the present column renumbered by ditto.

*Conditions.*

1. This license is granted subject to the provisions of the Indian Explosives Act, 1884, and the rules thereunder.

2. The licensee shall keep records and accounts of all explosives manufactured, of all stock in hand, and of all sales, in such form as the Resident in Mysore may from time to time direct.

3. The licensee shall exhibit his stock and his books and records of manufacture and sales to any Magistrate or to any Police Officer duly empowered in this behalf, whenever such Magistrate or officer may call upon him so to do.

Provided that where the license extends only to the manufacture, possession and sale of manufactured fireworks and the quantity permitted to be kept at one time does not exceed fifty pounds, the licensee shall not be required to keep or exhibit records or accounts of the same.

4. (1) The explosive shall be manufactured in a tent or lightly constructed building exclusively appropriated for the purpose and separated from any dwelling-house, highway, street, public thoroughfare or public place by the distance—

(a) in the case of gunpowder or small-arm nitro-compound, of one hundred yards, or

(b) in the case of an explosive of the 1st Division of the 6th (Ammunition) Class, or of the 7th (firework) Class, of fifty yards.

(2) In the case of filling cartridges for small arms the operation may, if preferred, be carried out in the upper room of a building to which the conditions in clause (1) as to distance need not apply:

Provided that no more than five pounds of explosive (except such as may be contained in safety cartridges) shall be in the room where the operation is being carried on.

(3) In all other cases the manufacture shall be carried on in a one-storeyed building.

5. The number of persons empowered at any one time in manufacture in any one building or room shall not exceed six, and only persons actually manufacturing or superintending manufacture shall be allowed inside the place of manufacture.

6. No iron or steel implements shall be used in manufacture. Only copper, gun-metal or wooden tools are permissible.

7. All explosives, as manufactured, shall be removed without delay to a safe place of storage, and no explosives shall be allowed to accumulate in the place of manufacture.

8. Manufacture shall only be carried on between sunrise and sunset.

9. No smoking or lights shall be allowed in or near a room where explosives are being manufactured.

10. All sales of explosives under this license must be effected on the premises shown on the face of the license.

11. An explosive shall not be sold to any child apparently under the age of fourteen years, nor shall any child under that age be employed in manufacture.

12. The explosives possessed by the licensee shall be kept in one or other or both of the following modes:—

Mode A, that is to say, in a building or excavation, which is detached from any dwelling-house, and is separated by the distances prescribed in condition No. 4\* from any highway, street, public thoroughfare or public place, and is made and closed so as to prevent unauthorised persons from having access thereto, and to secure it from danger from without, and is exclusively appropriated to keeping explosives: and

- (a) such a building must be substantially constructed of brick, stone or concrete, or must be a securely constructed fire-proof safe; and
- (b) such an excavation must be formed in solid rock, or earth, or in mine refuse not liable to ignition, and must not open into, from or out of any mine, quarry, tunnel or underground place which is in use for the carrying on of any work or for the employment of any person.

Mode B, that is to say, in a substantial receptacle (whether or not a fireproof safe) which is closed and secured so as to prevent unauthorised persons from having access thereto, and is exclusively appropriated to the keeping of explosives, and is placed inside a dwelling-house, or inside a building which is not itself qualified for the keeping of explosives in Mode A:

Provided that a fireproof safe shall not be used for the keeping of any explosive other than gunpowder or small-arm nitro-compound and cartridges of the 2nd Division of the 6th (ammunition) Class (not containing their own means of ignition) and made with gunpowder or small-arm nitro-compound, such as cartridges or charges for cannon or blasting purposes.

13. The maximum quantity of explosives allowed to be kept at the same time shall be the following:—

- (1) if the only explosive kept be one or more of the following, namely—
  - (a) gunpowder;
  - (b) small-arm nitro-compound; or

---

\* These distances may be reduced to one-half when the building is surrounded by traverse as high as the eaves of the building.

| (c) ammunition of the first Division of the 6th Class, the maximum shall be—   |  | In Mode A.<br>lbs. | In Mode B.<br>lbs. |
|--|--|--------------------|--------------------|
| gunpowder and small-arm<br>nitro-compounds in all .  |  | Two hundred.       | Fifty.             |
| and, in addition, of explosives contained in<br>ammunition of the 1st<br>Division of the 6th<br>Class . . . . .          |  | Any<br>quantity.   | Any<br>quantity.   |
| (2) If the only explosive kept be manu-<br>factured fireworks, the maximum<br>shall be—                                  |  |                    |                    |
| manufactured fireworks . . .   |  | Two hundred.       | Fifty.             |
| (3) in any other case the maximum<br>shall be—   |  |                    |                    |
| mixed explosives, including<br>gunpowder, small-arm nitro-<br>compound and manufactured<br>fireworks, etc., in all . . . |  | Sixty.             | Fifteen.           |
| and, in addition, of explosives<br>contained in ammunition of<br>the 1st Division of the 6th<br>Class . . . . .          |  | Any<br>quantity.   | Any<br>quantity.   |

Provided that in each of the three cases above-mentioned the aggregate quantity kept on the premises in Mode A and Mode B together may not in any case exceed the maximum quantity which may be kept in Mode A.

14. With respect to a building or excavation used in Mode A, and a receptacle used in Mode B,—

- (a) the interior thereof, and the shelves and fittings therein, shall be so constructed, or so lined and covered, as to prevent the exposure of any iron or steel, or the detaching of any grit, iron or steel or similar substance, in such manner as to come into contact with the explosive;
- and such interior, shelves and fittings shall, so far as is reasonably practicable, be kept free from grit and otherwise clean;
- (b) in the case of any explosive being possessed which is liable to be dangerously affected by water, due precautions shall be taken to exclude water therefrom;

- (c) all articles or substances of an explosive or highly inflammable nature, and all lights, shall be kept at a safe distance from the explosive, and from any room or part of a building, excavation or receptacle containing the same; and
- (d) no person in any such room or part of a building or any such excavation, or any such receptacle shall have any iron or steel in his possession or attached to or on his boots or shoes:

Provided that this condition, so far as it relates to the exposure of iron or steel or similar substances, shall not be obligatory in the case where no explosive is kept other than ammunition of the 1st Division of the 6th (Ammunition) Class.

15. Any quantity exceeding five pounds of an explosive of the 1st Division of the 6th (Ammunition) Class or of the 2nd Division of the 7th (Firework) Class, and of any other explosive exceeding one pound, shall be kept in a substantial case, bag, canister, or other receptacle, made and closed so as to prevent the explosives from escaping;

and when publicly exposed for sale or when sold, the outermost receptacle containing such explosives shall have affixed the name of the explosives in conspicuous characters by means of a brand or securely-attached label or other mark:

Provided that two samples of each kind of firework may be exposed for sale without complying with the foregoing clauses of this condition, if such samples be placed in such a position that no light or fire is, or is likely to be, brought near them.

16. (1) Explosives of different description which may be kept under this license, shall be separated by an intervening partition of such substance and character, or by such intervening space, as will effectually prevent explosion or fire in the one communicating with the other:

(2) Provided as follows:—

- (a) Gunpowder, small-arm nitro-compound and safety fuzes belonging to the 1st Division of the 6th (Ammunition) Class may be kept with each other without any intervening partition or space;
- (b) the various explosives of the 1st Division of the 6th (Ammunition) Class may be kept with each other without any intervening partition or space;
- (c) the various explosives of the 7th (Firework) Class may be kept with each other without any intervening partition or space.

17. \*The licensee shall affix to his shop or place of business a sign-board as required by condition (4) endorsed on Form I or Form III of

\* These conditions are to be added only when the authority granting this license directs, in pursuance of rule 47, by an order written on the license, that this license shall have the effect of a like license granted under the Indian Arms Act, 1878, as XI of 1878, applied to the Civil and Military Station of Bangalore.

SI of 1878.

the Forms prescribed by the Bangalore Arms Rules, 1912, and shall post up in his shop a copy of section 28 of the Indian Arms Act, 1878, as applied to the Civil and Military Station of Bangalore.

18. \*The licensee shall at the time of purchase endorse upon the license of every purchaser holding a license under Form V of the Forms prescribed by the Bangalore Arms Rules, 1912, or Form XIX of the Forms prescribed by the Indian Arms Rules, 1909, the following particulars, namely:—

- (a) the name and address of the person who takes delivery of the article sold;
- (b) the nature and amount of the articles sold; and
- (c) the date of sale;

and shall append his signature to the endorsement.

19. A similar endorsement shall be made upon the license of every purchaser holding a license under the Explosives Act, for the possession of explosives.

**FORM B.**

(Article 3 of Schedule I.)

[FEE RUPEES IN STAMPS.]

*License to possess and sell gunpowder, or small-arm nitro-compound, or an explosive of the 1st Division of the 6th (Ammunition) Class or an explosive of the 7th (Firework) Class.*

[Granted by the District Magistrate.]

| Name, etc., of licensee and place of residence. | Place of business, factory or shop. | [Description and ] maximum quantity of explosive to be possessed at any one time. | Date on which license expires. |
|---|-------------------------------------|---|--------------------------------|
| 1   | 2                                   | 3   | 4 <sup>a</sup>                 |
|   |                                     |   | The 31st December 19 . . .     |

Civil and Military Station of  
Bangalore.

(Signature.)  
District Magistrate.

Seal.

\* See footnote on page 366. *infra*.

<sup>1</sup> Added by Notification No. 112, dated the 28th September, 1923. *Mysore Residency Orders*, 1923. Pt. 1. p. 36.

<sup>2</sup> Former column 4 was omitted, and the present column renumbered by ditto.



*Conditions.*

1. This license is granted subject to the provisions of the Indian Explosives Act, 1884, and the rules thereunder.

[IV of 1884.]

2. The licensee shall keep records and accounts of all explosives in stock and of all sales, in such form as the Resident in Mysore may from time to time direct.

3. The licensee shall exhibit his stock and his books and records of sales to any Magistrate or to any Police Officer duly empowered in this behalf, whenever such Magistrate or officer may call upon him so to do.

Provided that where the license extends only to the possession and sale of manufactured fireworks and the quantity permitted to be kept at one time does not exceed fifty pounds, the licensee shall not be required to keep or exhibit records or accounts of the same.

4. All sales of explosives under this license must be effected upon the premises shown on the face of the license.

5. An explosive shall not be sold to any child apparently under the age of fourteen years.

6. The explosives possessed by the licensee shall be kept in one or other or both of the following modes:—

Mode A, that is to say, in a building or excavation, which is detached from any dwelling-house, and is separated by the prescribed distances<sup>a</sup> from any highway, street, public thoroughfare or public place, and is made and closed so as to prevent unauthorised persons from having access thereto and to secure it from danger from without, and is exclusively appropriated to keeping explosives; and

(a) such a building must be substantially constructed of bricks, stone or concrete, or must be a securely constructed fireproof safe: and

(b) such an excavation must be formed in solid rock or earth or in mine refuse not liable to ignition, and must not open into, from or out of any mine, quarry, tunnel or underground place which is in use for the carrying on of any work or for the employment of any person.

Mode B, that is to say, in a substantial receptacle (whether or not a fireproof safe) which is closed and secured so as to prevent unauthorised persons from having access thereto, and is exclusively appropriated to the keeping of explosives and is placed inside a dwelling-house, or inside a building which is not itself qualified for the keeping of explosives in Mode A:

---

<sup>a</sup> In the case of gunpowder or small-arm nitro-compound, one hundred yards.

In the case of an explosive of the 1st Division of the 6th (Ammunition) Class or of the 7th (Firework) Class, fifty yards:

Provided that these distances may be reduced to one-half when the building is surrounded by a traverse as high as the eaves of the building.

Provided that a fireproof safe shall not be used for the keeping of any explosive other than gunpowder or small-arm nitro-compound and cartridges of the 2nd Division of the 6th (Ammunition) Class (not containing their own means of ignition) and made with gunpowder or small-arm nitro-compound, such as cartridges or charges for cannon or blasting purposes.

7. The maximum quantity of explosives allowed to be kept at the same time shall be the following:—

(1) if the only explosive kept be one or more of the following, namely—

- (a) gunpowder,
- (b) small-arm nitro-compound, or
- (c) ammunition of the 1st Division of the 6th Class, the maximum shall be—

|  | In Mode A.<br>lbs. | In Mode B.<br>lbs. |
|--|--------------------|--------------------|
| gunpowder and small-arm nitro-compound in all and, in addition, of explosives contained in ammunition of the 1st Division of the 6th Class . . . . . | Two hundred.       | Fifty.             |
| (2) If the only explosive kept be manufactured fireworks, the maximum shall be—  |                    |                    |
| manufactured fireworks . . . . .   | Two hundred.       | Fifty.             |
| (3) in any other case the maximum shall be—  |                    |                    |
| mixed explosives, including gunpowder, small-arm nitro-compound and manufactured fireworks, etc., in all . . . . .                                   | Sixty.             | Fifteen.           |
| and, in addition, of explosives contained in ammunition of the 1st Division of the 6th Class . . . . .   | Any quantity.      | Any quantity.      |

Provided that in each of the three cases above-mentioned the aggregate quantity kept on the premises in Mode A and Mode B together may not in any case exceed the maximum quantity which may be kept in Mode A.

8. With respect to a building or excavation used in Mode A. and a receptacle used in Mode B—

- (a) the interior thereof and the shelves and fittings therein shall be so constructed or so lined and covered as to prevent the

- exposure of any iron or steel, or the detaching of any grit, iron or steel or similar substance, in such manner as to come into contact with the explosive;
- and such interior shelves and fittings shall, so far as is reasonably practicable, be kept free from grit and otherwise clean;
- (b) in the case of any explosive being possessed which is liable to be dangerously affected by water, due precautions shall be taken to exclude water therefrom;
- (c) all articles or substances of an explosive or highly inflammable nature, and all lights shall be kept at a safe distance from the explosive, and from any room or part of a building, excavation or receptacle containing the same; and
- (d) no person in any such room or part of a building, or any such excavation, or any such receptacle, shall have any iron or steel in his possession, or attached to or on his boots or shoes:

Provided that this condition, so far as it relates to the exposure of iron or steel or similar substances, shall not be obligatory in the case where no explosive is kept other than ammunition of the 1st Division of the 6th Class.

9. Any quantity exceeding five pounds of an explosive of the 1st Division of the 6th (Ammunition) Class or of 2nd Division of the 7th (Firework) Class and of any other explosives exceeding one pound shall be kept in a substantial case, bag, canister or other receptacle, made and closed so as to prevent the explosives from escaping;

and, when publicly exposed for sale or sold, the outermost receptacle containing such explosives shall have affixed the name of the explosives in conspicuous characters by means of a brand or securely-attached label or other mark:

Provided that two samples of each kind of firework may be exposed for sale without complying with the foregoing clauses of this condition, if such samples be placed in such a position that no light or fire is, or is likely to be, brought near them.

10. (1) Explosives of different descriptions which may be kept under this license shall be separated by an intervening partition of such substance and character, or by such intervening space, as will effectually prevent explosion or fire in the one communicating with the other:

(2) Provided as follows:—

- (a) Gunpowder, small-arm nitro-compound and safety fuzes belonging to the 1st Division of the 6th (Ammunition) Class, may be kept with each other without any intervening partition or space;
- (b) the various explosives of the 1st Division of the 6th (Ammunition) Class may be kept with each other without any intervening partition or space;

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(c) the various explosives of the 7th (Firework) Class may be kept with each other without any intervening partition or space.

XI of 1878.

11. "The licensee shall affix to his shop or place of business a sign-board as required by condition (4) endorsed on Form II or Form IV of the Forms prescribed by the Bangalore Arms Rules, 1912, and shall post up in his shop a copy of section 28 of the Indian Arms Act, 1878, as applied to the Civil and Military Station of Bangalore.

12. "The licensee shall at the time of purchase endorse upon the license of every purchaser holding a license under Form V of the Forms prescribed by the Bangalore Arms Rules, 1912, of Form XIX of the Forms prescribed under the Indian Arms Rules, 1909, the following particulars:—

(a) the name and address of the person who takes delivery of the articles sold;

(b) the nature and amount of the articles sold: and

(c) the date of sale;

and shall append his signature to the endorsement.

13. A similar endorsement shall be made upon the license of every [IV of 1884.] purchaser holding a license under the Indian Explosives Act, 1884, for the possession of explosives.

FORM C.

(Article 4 of Schedule I.)

[FEE—EIGHT ANNAS IN STAMPS.]

License to possess gunpowder or small-arm nitro-compound, or an explosive of the 1st Division of the 6th (Ammunition) Class, or an explosive of the 7th (Firework) Class.

[Granted by the District Magistrate.]

| Name, etc., of licensee and place of residence. | Description and quantity of explosive to be possessed during the year. | Place with full details where explosive is to be possessed. | Maximum quantity of explosive to be kept at any one time. | Date on which license expires. |
|---|--|---|---|--------------------------------|
| 1   | 2  | 3   | 4   | 4                              |
|   |  |   |   | The 31st Dec-<br>ember 19 .    |

Civil and Military Station  
of Bangalore.

19 .

Seal.

(Signature.)

District Magistrate.

\* These conditions are to be added only when the authority granting this license directs, in pursuance of rule 47, by an order written on the license, that this license shall have the effect of a like license granted under the Indian Arms Act, 1878 (XI of 1878), as applied to the Civil and Military Station of Bangalore.

*Conditions.*

1. This license is granted subject to the provisions of the Indian Explosives Act, 1884, and the rules thereunder.

IV of 1884.

2. The licensee shall keep records and accounts of all explosives in stock in such form as the Resident in Mysore may from time to time direct.

3. The licensee shall exhibit his stock and his books and records to any Magistrate or to any Police Officer duly empowered in this behalf, whenever such Magistrate or officer may call upon him so to do :

Provided that where the license extends only to the possession of manufactured fireworks and the quantity permitted to be kept at one time does not exceed 50 pounds, the licensee shall not be required to keep or exhibit records or accounts of the same.

4. The explosives possessed by the licensee shall be kept in one or other or both of the following modes :—

Mode A, that is to say, in a building or excavation, which is detached from any dwelling-house, and is separated by the prescribed distances\* from any highway, street, public thoroughfare or public place, and is made and closed so as to prevent unauthorised persons from having access thereto and to secure it from danger from without, and is exclusively appropriated to keeping explosives; and

(a) such a building must be substantially constructed of brick, stone or concrete, or must be a securely constructed fireproof safe; and

(b) such an excavation must be formed in solid rock, or earth, or in mine refuse not liable to ignition, and must not open into, from or out of any mine, quarry, tunnel or underground place, which is in use for the carrying on of any work or for the employment of any person.

Mode B, that is to say, in a substantial receptacle (whether or not a fireproof safe), which is closed and secured so as to prevent unauthorised persons from having access thereto, and is exclusively appropriated to the keeping of explosives and is placed inside a dwelling-house, or inside a building which is not itself qualified for the keeping of explosives in Mode A :

Provided that a fireproof safe shall not be used for the keeping of any explosive other than gunpowder or small-arm nitro-compound and cartridges of the 2nd Division of the 6th (Ammunition) Class (not containing their own means of ignition) and made with gunpowder or small-

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\* In the case of gunpowder or small-arm nitro-compound, one hundred yards.

In the case of an explosive of the 1st Division of the 6th (Ammunition) Class or of the 7th (Firework) Class, fifty yards :

Provided that these distances may be reduced to one-half when the building is surrounded by a traverse as high as the eaves of the building.

arm nitro-compound such as cartridges or charges for cannon or blasting purposes.

5. The maximum quantity of explosives allowed to be kept at the same time shall be the following, namely:—

(1) if the only explosive kept be one or more of the following, namely:—

- (a) gunpowder,
- (b) small-arm nitro-compound, or
- (c) ammunition of the 1st Division of the 6th Class, the maximum shall be—

|  | In Mode A.<br>lbs. | In Mode B.<br>lbs. |
|--|--------------------|--------------------|
| gunpowder and small-arm<br>nitro-compound in all . . .   | Two hundred.       | Fifty.             |
| and, in addition, of explosives<br>contained in ammunition of the 1st<br>Division of the 6th<br>Class . . . . .          | Any<br>quantity.   | Any<br>quantity.   |
| (2) If the only explosive kept be manu-<br>factured fireworks, the maximum<br>shall be—                                  |                    |                    |
| manufactured fireworks . . .   | Two hundred.       | Fifty.             |
| (3) in any other case the maximum<br>shall be—   |                    |                    |
| mixed explosives, including<br>gunpowder, small-arm nitro-<br>compound and manufactured<br>fireworks, etc., in all . . . | Sixty.             | Fifteen.           |
| and, in addition, of explosives<br>contained in ammunition of<br>the 1st Division of the 6th<br>Class . . . . .          | Any<br>quantity.   | Any<br>quantity.   |

Provided that in each of the three cases above-mentioned the aggregate quantity kept on the premises in Mode A and Mode B together may not in any case exceed the maximum quantity which may be kept in Mode A.

6. With respect to a building or excavation used in Mode A and a receptacle used in Mode B—

- (a) the interior thereof, and the shelves and fittings therein, shall be so constructed, or so lined and covered, as to prevent the exposure of any iron or steel or the detaching of any grit, iron or steel, or similar substance, in such manner as to come into contact with the explosive;

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FORM D.<sup>1</sup>

(Article 5 of Schedule I.)

*Licence to possess gunpowder or other explosives required for blasting  
purposes. (Free of charge.)*

[Granted by the District Magistrate.]

Name, etc., of licensee.

Place of residence.

Place, with full details, where explosive is to be possessed.

Maximum quantity of explosive (not exceeding 100 lbs. of gunpowder  
and 100 lbs. of other explosives and 100 detonators) to be kept at any  
one time.

Date on which license expires.

The 31st December 19

Seal.

*Civil and Military Station,  
Bangalore.*

19 .

*District Magistrate.*

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*Conditions.*

1. This licence is granted subject to the provisions of the Indian  
IV of 1884. Explosives Act, 1884, and the rules thereunder.

2. The licensee shall keep a register of all receipts and issues in such  
form as the local Government may from time to time direct. He shall  
exhibit his stock register to any Magistrate or to any Police Officer duly  
empowered in this behalf, whenever such Magistrate or Officer may call  
upon him so to do.

3. The explosive shall be kept in a substantially constructed unin-  
flammable building approved by such officer as the Resident may pre-  
scribe, or in a fireproof safe separated from any dwelling-house, highway,  
street, public thoroughfare or public place by a distance of 50 yards and  
made and closed so as to prevent unauthorized persons from having access  
thereto, and to secure it from danger from without.

4. All articles or substances of an explosive or highly inflammable  
nature shall be kept at a safe distance from the explosive and from any  
room or part of a building or fireproof safe, containing the same, and  
no person entering such room or part of a building or such safe shall  
have any iron or steel in his possession or attached to or on his boots or  
shoes.

5. Neither the building exclusively appropriated for the purpose of  
keeping the explosive, nor the fireproof safe referred to above, shall  
have any exposed iron or steel in the interior thereof:

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<sup>1</sup> Substituted by Notification No. 77, dated the 8th September 1907

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and such interior, shelves and fittings shall, so far as is reasonably practicable, be kept free from grit and otherwise clean:

- (b) in the case of any explosive being possessed which is liable to be dangerously affected by water, due precautions shall be taken to exclude water therefrom;
- (c) all articles or substances of an explosive or highly inflammable nature, and all lights, shall be kept at a safe distance from the explosive, and from any room or part of a building, excavation or receptacle containing the same; and
- (d) no person in any such room, or part of a building, or any such excavation, or any such receptacle, shall have any iron or steel in his possession, or attached to or on his boots or shoes:

Provided that this condition, so far as it relates to the exposure of iron or steel or similar substances, shall not be obligatory in the case where no explosive is kept other than ammunition of the 1st Division of the 6th Class.

7. Any quantity exceeding five pounds of an explosive of the 1st Division of the 6th (Ammunition) Class or of the 2nd Division of the 7th (Firework) Class, and of any other explosive exceeding one pound, shall be kept in a substantial case, bag, canister or other receptacle, made and closed so as to prevent the explosives from escaping.

8. (1) Explosives of different descriptions which may be kept under this license shall be separated by an intervening partition of such substance and character, or by such intervening space, as will effectually prevent explosion or fire in the one communicating with the other:

(2) Provided as follows:—

- (a) gunpowder, small-arm nitro-compound, and safety fuzes belonging to the 1st Division of the 6th (Ammunition) Class, may be kept with each other without any intervening partition or space;
- (b) the various explosives of the 1st Division of the 6th (Ammunition) Class may be kept with each other without any intervening partition or space;
- (c) the various explosives of the 7th (Firework) Class may be kept with each other without any intervening partition or space.

9. The licensee shall at the time of purchase have the following particulars endorsed upon his license by the vendor from whom he purchases, and under the vendor's signature, namely:—

- (a) the name and address of the person who takes delivery of the articles purchased;
- (b) the nature and amount of the articles purchased; and
- (c) the date of purchase.



*Conditions.*

1. This license is granted subject to the provisions of the Indian of 1884. Explosives Act, 1884, and the rules thereunder.

2. The licensee shall keep records and accounts of all explosives in stock and of all issues, in such form as the Resident in Mysore may from time to time direct.

<sup>1</sup>[2-A. The licensee shall exhibit his stock and his books and record to any Magistrate or to any Police Officer duly empowered in this behalf, whenever such Magistrate or Officer may call upon him so to do.]

3. The explosives shall be kept in a substantially constructed building <sup>1</sup>[approved by such officer as the Resident may prescribe] which is exclusively appropriated for the purpose, and is detached from any dwelling-house, and is situated at a safe distance from any highway, street, public thoroughfare or public place, and is made and closed so as to prevent unauthorised persons from having access thereto and to secure it from danger from without.

4. The doors of the building shall open outwards and shall be faced on the outside with iron plating a quarter of an inch thick. They shall be closed by means of a lock or bolt on the inner side, of such make or design as shall be approved by the licensing authority, and so placed that it shall be inaccessible from the outside except by means of its own key. The lock or bolt shall be made of some metal other than iron or steel.

5. All windows in the building shall be closed by shutters which open outwards but which cannot be opened from outside. The shutters shall be faced on the outside with iron plating a quarter of an inch thick.

6. All articles or substances of an explosive or highly inflammable nature shall be kept at a safe distance from the explosives and from any building or receptacle containing the same.

7. No building exclusively appropriated for the purpose of keeping the explosives, and no receptacles in which the explosives are kept, shall have any exposed iron or steel in the interior thereof.

8. All explosives exceeding one pound in quantity shall be kept in a substantial case, bag, canister or other receptacle, made and closed so as to prevent the explosives from escaping.

9. Explosives of different descriptions which may be kept under this license shall be separated by an intervening partition of such substance and character or by such intervening space, as will effectually prevent explosion or fire in the one communicating with the other.

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<sup>1</sup> Inserted by Notification No. 77, dated the 5th September, 1927. Mysore Resi nc O

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Provided that this condition shall not be obligatory in a building, or fireproof safe, in which no explosives other than safety cartridges, safety fuses for blasting, railway fog signals and percussion-caps are kept.

6. Gunpowder or other explosives exceeding one pound in quantity shall be kept in a substantial case, bag, canister or other receptacle made and closed so as to prevent the explosives from escaping.

7. The licensee shall at the time of purchase have the following particulars endorsed upon his licence by the vendor from whom he purchases and under the vendor's signature:—

(a) the name and address of the person who takes delivery of the articles purchased;

(b) the nature and amount of the articles purchased; and

(c) the date of purchase.

8. All losses, shortage of stock or thefts of explosives shall be reported without delay to the nearest police station.

FORM E.

Article 3 of Schedule I.

[FEE—FIVE RUPEES IN STAMPS.]

(License to possess explosives generally other than fulminates.)

[Granted by the District Magistrate.]

| Name, etc., of licensee and place of residence. | Place of business or shop. | Description of explosive. | Maximum quantity of explosive (not exceeding sixty pounds) to be possessed at any one time. | Date on which license expires. |
|---|----------------------------|---------------------------|---|--------------------------------|
|   | 2                          | 3                         | 4   | 5                              |
|   |                            |                           |   | The 31st December 19 .         |

Civil and Military Station  
of Bangalore.

19 .

Seal.

(Signature.)

District Magistrate.

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buildings and works from which it is to be kept clear, or the distance to be maintained between the magazine or any part thereof and other buildings and works (for buildings and works here referred to, see 1st column of table of distances appended to these rules);

- (b) The situation, character and construction of all the mounds, buildings, and works on or connected with the magazine, and the distances thereof from each other;
- (c) The nature of the work, if any, to be carried on in connection with the magazine and the place at which such work is to be carried on, and the places in the magazine at which explosives, and any articles liable to spontaneous ignition, or inflammable or otherwise dangerous are to be kept;
- (d) The situation of each building forming part of the magazine in which the explosive is to be kept, and the maximum amount of explosive to be kept in each such building; and
- (e) Any special terms which the applicant may propose by reason of any special circumstances, arising from the locality, the situation or construction of any building or works, or the nature of any process or otherwise.

Remarks . . . . .

*(Signature of applicant.)*

*(Postal address of applicant.)*

*(Date of application.)*

**FORM G.**

*[See Rule 28.]*

*Distances to be kept clear round a magazine.*

Distances from the magazine proposed to be established at  
*To be kept clear from the undermentioned Buildings and Works.*

| Buildings and Works.   | Distances to be kept clear, not less than | Reply. | Remarks. |
|--|---|--------|----------|
| 1  | 2   | 3      | 4        |
| Room used in connection with the magazine, in pursuance of rule 17 . . . . .       | yards                                     |        |          |
| Workshop used in connection with the magazine, in pursuance of rule 18 † . . . . . | "   |        |          |

\* The distances will be required to be kept clear not merely on the first establishment of the magazine but during the continuance of the license.

† This rule also applies to two or more magazines, kept on the same premises, when such magazines—

- (1) belong to the same occupier, or
- (2) are so kept by mutual consent

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10. The licensee shall at the time of purchase have the following particulars endorsed upon his license by the vendor from whom he purchases, and under the vendor's signature, namely:—

- (a) the name and address of the person who takes delivery of the articles purchased;
- (b) the nature and amount of the articles purchased; and
- (c) the date of purchase.

11. All losses, shortage of stock or thefts of explosives, shall be reported without delay to the nearest police station.

FORM F.

[See Rule 22.]

*Form of application for a license for possession of explosives (other than fulminates) in, and sale from, a magazine.*

*The replies to be  
written in this  
column.*

1. Applicant's Name . . . . .
- „ Calling . . . . .
- „ Address . . . . .

NOTE.—In cases where the application is made on behalf of a company, the name, calling and address of the company, and the name of the manager or agents, should be given.

2. Situation of the proposed magazine—  
Presidency or Province . . . . .
- District . . . . .
- Village . . . . .

3. Explosive proposed to be stored—  
Class . . . . .
- Division (if any) . . . . .
- Name and description . . . . .

NOTE.—The Class and Division (if any) stated should be in accordance with the classification in Chapter II.

4. Draft license containing the terms which the applicant proposes to have inserted, and specifying such of the matters stated below as are applicable . . . . .

NOTE.—A draft license must be attached to this application and must be accompanied by a plan of the proposed magazine and of the site, with the boundaries thereof drawn to scale.

The plan should also show the distance from the proposed magazine, of the room (if any) to be used in connection therewith for the filling of cartridges for small-arms with explosives in pursuance of rule 17 and of the workshop (if any) to be used in connection therewith for the adaptation or preparation of explosives, in pursuance of rule 18 and, if both a room and workshop are to be used the distance of the room from the workshop.

The matters referred to above, and required (so far as applicable) to be specified, are as follows:—

- (a) The boundaries of the land forming the site of the magazine, and either any belt of land surrounding the site which is to be kept clear, and the

FORM H.

[See Rule 29.]

*Distances to be kept clear round a magazine.*

\*Distances to be maintained between the magazine and other buildings and works:—

| From every   | Not less than yards. |
|--|----------------------|
| Room used in connection with the magazine, in pursuance of rule 17 .   |                      |
| Workshop used in connection with the magazine, in pursuance of rule 13†  |                      |
| Private railway . . . . .  |                      |
| Highway or public footpath . . . . .   |                      |
| Open air public meeting place (such as a market) . . . . .   |                      |
| Reservoir or bunded tank . . . . .   |                      |
| Room or workshop in connection with another magazine, store or licensed premises . . . . .   |                      |
| Any other room or workshop, or any shop . . . . .  |                      |
| Any other explosive magazine or store for explosives . . . . .   |                      |
| Furnace, kiln or chimney . . . . .   |                      |
| Public Railway . . . . .   |                      |
| Dwelling-house, with the consent, in writing, of the occupier . . . . .  |                      |
| Dwelling-house, without such consent . . . . .   |                      |
| Factory not belonging to Government . . . . .  |                      |
| Church, chapel or hospital . . . . .   |                      |
| Public institution or building . . . . .   |                      |
| Government building . . . . .  |                      |
| †[Wireless station]  |                      |
| Factory or magazine occupied by the Government of India, or any Department under that Government with the consent, in writing, of the Government of India or such Department . . . . . |                      |
| Ditto without such consent . . . . .   |                      |
| The Residency . . . . .  |                      |

In the case of any building or work above mentioned which is so screened from the magazine by the natural features of the ground or by good and sufficient artificial mounds of earth as not to be visible from any part of such magazine, the distance assigned above as that to be observed between such building or work and the magazine may be reduced by one-half.

In the case of any building or work above mentioned which is so screened from the magazine by an intervening hill, that a line drawn from any part of such building or work to any part of such magazine would pass through such hill, the distance assigned by this schedule as

\* The distances will be required to be kept clear not merely on the first establishment of the magazine but during the continuance of the license.

† This rule also applies to two or more magazines kept on the same premises, when such magazines—

(1) belong to the same occupier, or  
(2) are so kept by mutual consent of the respective occupiers.

‡ Inserted by Notification No. 27, dated the 21st April, 1917. *Mysore Residency Orders*, 1917, Pt. I, p. 255.

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| Buildings and Works.  | Distances to<br>be kept clear<br>not less than | Reply. | Remarks. |
|---|--|--------|----------|
| 1   | 2  | 3      | 4        |
| Private railway . . . . .   | yards  |        |          |
| Highway or public footpath . . . . .  | "  |        |          |
| Open air public meeting place (such as a market) . . . . .  | "  |        |          |
| Reservoir or bunded tank . . . . .  | "  |        |          |
| Room or workshop in connection with another maga-<br>zine, store, or licensed premises . . . . .  | "  |        |          |
| Any other room or workshop or any shop . . . . .  | "  |        |          |
| Any other explosive magazine or store for explosives . . . . .  | "  |        |          |
| Furnace, kiln, or chimney . . . . .   | "  |        |          |
| Public railway . . . . .  | "  |        |          |
| Dwelling-house, with the consent, in writing, of the<br>occupier . . . . .  | "  |        |          |
| Dwelling-house, without such consent . . . . .  | "  |        |          |
| Factory not belonging to Government . . . . .   | "  |        |          |
| Church, chapel or hospital . . . . .  | "  |        |          |
| Public institution or building . . . . .  | "  |        |          |
| Government building . . . . .   | "  |        |          |
| '[Wireless Station] . . . . .   | "  |        |          |
| Factory or magazine occupied by the Government<br>of India or any Department under that Govern-<br>ment, with the consent, in writing, of the Govern-<br>ment of India or such Department . . . . . | "  |        |          |
| Ditto without such consent . . . . .  | "  |        |          |
| The Residency . . . . .   | miles  |        |          |

<sup>1</sup> Inserted by Notification No. 27, dated the 24th April, 1917. *Mysore Residency Orders, 1917, Pt. I, p. 255.*

**NOTE.**—The applicant for the license should state in the third column whether he is able to observe the distances assigned in the second column, or not. *In any case where he is unable to observe the full distance assigned, he should state what distance he can observe and in the column of "Remarks" should set forth the ground, if any, upon which he relies as justifying such reduction of distance, e.g., whether the magazine will be protected by mounds, or by natural features of the ground, or otherwise.*

(Signature of applicant.)

(Postal Address of Applicant.)

(Date.)

3. The magazine is not to be used until this license is endorsed by the District Magistrate in accordance with rule 32.

4. The licensee shall keep records and accounts of all explosives in stock and of all sales or issues in such form as the Resident in Mysore may from time to time direct.

<sup>1</sup>[4-A. The licensee shall exhibit his stock and his books and records to any Magistrate or to any Police Officer duly empowered in this behalf, whenever such Magistrate or Officer may call upon him so to do.]

5. There shall not be at the same time in the magazine any quantity of explosives exceeding the quantity specified in the license.

6. The magazine shall be used only for the keeping of the explosives specified in the license, and of receptacles for, or tools or implements for work connected with, the keeping of such explosives.

7. The interior of the magazine, and the benches, shelves and fittings therein, shall be so constructed or so lined or covered as to prevent the exposure of any iron or steel, and the detaching of any grit, iron, steel, or similar substances in such manner as to come into contact with the explosives; and such interior, benches, shelves and fittings shall, so far as is reasonably practicable, be kept free from grit and otherwise clean; and, in the case of any explosive being possessed which is liable to be dangerously affected by water, due precautions shall be taken to exclude water therefrom:

Provided that so much of this condition as relates to precautions against the exposure of any iron or steel and the detaching of any grit, iron, steel or similar substances shall not be obligatory in a building in which no explosive other than an explosive of the 1st Division of the 6th (Ammunition) Class is kept.

8. The magazine shall have attached thereto an efficient lightning conductor, which shall be tested at least [once in every year]<sup>2</sup>, and a certificate showing the result and date of the last test shall be hung up in a conspicuous place in the magazine.

<sup>3</sup>[Such test shall be carried out in the manner prescribed by the Chief Inspector of Explosives by an officer appointed by the Resident in Mysore in this behalf and a fee of twenty rupees shall be payable by the licensee for such test. In the event of the test proving unsatisfactory a fee of fifteen rupees shall be payable by the licensee for each subsequent test until the lightning conductor is passed by the testing officer as satisfactory:]

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<sup>1</sup> Inserted by Notification No. 77, dated the 8th September, 1927. *Mysore Residency Orders*, 1927, Pt. I, p. 37.

<sup>2</sup> Substituted by Notification No. 81, dated the 16th July, 1923. *Mysore Residency Orders*, 1923, Pt. I, p. 18.

<sup>3</sup> Added by ditto.

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that to be observed between such building and work and the magazine may be reduced by three-fourths; but if a Government Inspector notifies in writing that in his judgment the intervening hill in respect of which such reduction is claimed, is not of a character to justify such reduction, this clause, authorising such reduction, shall be deemed not to apply in respect of the said building or work.

FORM I.

(Articles 9 and 10 of Schedule I.)

[FEE  $\frac{\text{Fifteen}}{\text{Twenty}}$  RUPEES IN STAMPS.]

*License to possess explosives other than fulminates in, and to sell explosives from, a magazine.*

[Granted by the Resident in Mysore or officer appointed by the Resident in this behalf.]

| Name of licensee, and residence. | Boundaries of the land forming the site of the magazine to which the license applies. | Situation, character and construction of the buildings and works connected with the magazine. | Description of explosive to be possessed. | Amount of explosives to be possessed at the same time in the magazine and within the boundaries of the site thereof. | Date on which license expires. |
|----------------------------------|---|---|---|--|--------------------------------|
| 1                                | 2   | 3   | 4   | 5  | 6                              |
|                                  |   |   |   |  | The 31st December 19 .         |

Civil and Military Station,  
Bangalore.

19 .

} Seal.

(Signature.)

First Assistant Resident or

Conditions.

1. This license is granted subject to the provisions of the Indian Explosives Act, 1884, and the rules thereunder.

2. All explosives must be kept in the magazine indicated in this license.

IV of 1884.



of such substance and character, or by such intervening space, as will effectually prevent explosion or fire in the one communicating with the other:

(2) Provided as follows:—

- (a) the various explosives of Classes 1 (gunpowder), 2 (nitrate-mixture), 3 (nitro-compound) and 4 (chlorate-mixture), safety fuses belonging to the 1st Division of the 6th (Ammunition) Class and such of the various explosives of the 2nd Division of the 6th (Ammunition) Class as do not contain any exposed iron or steel, may be kept with each other without any intervening partition or space;
- (b) the various explosives of the 1st Division of the 6th (Ammunition) Class may be kept with each other without any intervening partition or space;
- (c) such of the various explosives of the 2nd Division of the 6th (Ammunition) Class as contain any exposed iron or steel may be kept with each other without any intervening partition or space;
- (d) the various explosives of the 3rd Division of the 6th (Ammunition) Class may be kept with each other without any intervening partition or space;
- (e) the various explosives of the 7th (firework) Class may be kept with each other without any intervening partition or space.

(3) Save as aforesaid, two or more descriptions of explosives shall not be kept in the same magazine.

15. The licensee, and every person employed in or about the magazine, shall take all due precautions for the prevention of accidents by fire or explosion in the magazine, and for preventing unauthorised persons from having access to the magazine or to the explosives therein, and shall abstain from any act whatever which tends to cause fire or explosion and is not reasonably necessary for the purpose of the work in such magazine.

16. (1) Blasting gelatine or any of its kindred gelatinous nitro-compounds shall not be kept in the magazine after the expiration of three years from the date of its or their importation into British India, except with the special sanction of an Inspector of Explosives.

(2) When such sanction has been given, a written certificate, showing the period covered by the sanction, must be obtained from an Inspector of Explosives at each inspection, and must be kept by the licensee at the magazine.

17. The licensee shall, at his own expense, provide for the safe custody of the magazine, a guard which shall be of such strength as the District Magistrate may consider to be sufficient.

Provided that not more than twenty rupees shall be charged for all tests made on a conductor during any one day:]

<sup>1</sup>[Provided also that where two or more lightning conductors are attached to one and the same magazine, the fee for testing all such conductors shall not exceed the fee prescribed in this condition for testing a single lightning conductor.]

9. Before repairs are done to any room or magazine or part thereof, the same shall, as far as practicable, be cleaned by the removal of all explosives or mixed ingredients thereof, and the thorough washing out of such room, magazine or part; and after such cleaning, these conditions shall cease to apply to such room or part of the magazine until any explosive is again taken into it:

Provided that this condition shall not be obligatory in a magazine in which no explosive other than an explosive of the 1st Division of the 6th (Ammunition) Class is kept.

10. Except after such cleaning, all tools and implements used in, or in making any repairs to, any part of the magazine shall be made only of wood, copper or brass or some soft metal or material, or shall be covered with some safe and suitable material.

Provided that this condition shall not be obligatory in a magazine in which no explosive other than an explosive of the 1st Division of the 6th (Ammunition) Class is kept.

11. Due provision shall be made, by the use of suitable working clothes without pockets or of suitable shoes, or by searching or otherwise, or by some such means, for preventing the introduction into the magazine of fire, lucifer matches or any substance or article likely to cause explosion or fire, or of any grit, iron or steel; but this rule shall not prevent the introduction of an artificial light of such construction, position or character as not to cause any danger of fire or explosion:

Provided that so much of this condition as applies to the exclusion of grit, iron or steel shall not be obligatory in a building in which no explosive other than an explosive of the 1st Division of the 6th (Ammunition) Class is kept.

12. No person shall smoke in any part of the magazine.

13. No person under the age of fourteen years shall be employed in or enter the magazine except in the presence and under the supervision of some grown-up person, and no explosive shall be sold to any such person.

14. (Z) Two or more descriptions of explosives which may lawfully be possessed in a licensed magazine may be possessed in the same magazine if they are separated from each other by an intervening partition

<sup>1</sup> Added by Notification No. 84, dated the 26th September, 1927. *Mysore Residency Orders*, 1927, Pt. I, p. 41.

18. All losses, shortage of stock and thefts of explosives shall be reported without delay to the nearest police station.

FORM J.

(Articles 11 and 12 of Schedule I.)

[FEE—FIVE RUPEES IN STAMPS.]

*License to sell explosives.*

[Granted by the District Magistrate.]

| Name, etc., of licensee<br>and place of residence. | Place of business or<br>shop. | Description of explo-<br>sives to be sold. | Date on which license<br>expires. |
|--|-------------------------------|--|-----------------------------------|
| 1  | 2                             | 3  | 4                                 |
|  |                               |  | The 31st December<br>19 .         |

*Civil and Military Station,  
Bangalore.*

19 .

} Seal.

(Signature.)

*District Magistrate.*

*Conditions.*

1. This license is granted subject to the provisions of the Indian Explosives Act, 1884, and the rules thereunder.

IV of 1884.

2. The licensee shall keep records and accounts of all explosives in stock and of all sales in such form as the Resident in Mysore may from time to time direct.

<sup>1</sup>[2-A. The licensee shall exhibit his stock and his books and records to any Magistrate or any Police Officer duly empowered in this behalf, whenever such Magistrate or Officer may call upon him so to do.]

3. Explosives shall not be sold to any child apparently under the age of fourteen years.

4. All explosives exceeding one pound in weight, when publicly exposed for sale or sold, shall be in a substantial case, bag, canister or other receptacle, made and closed so as to prevent the explosives from escaping; and the outermost receptacle containing such explosives shall have affixed the name of the explosives, with the word "explosive" added thereto in conspicuous characters by means of a brand or securely attached label or other mark.

<sup>1</sup> Inserted by Notification No. 77, dated the 8th September, 1927. *Mysore Residency Orders, 1927, Pt. 1, p. 37.*

SCHEDULE III.

REGULATIONS FOR PACKAGE OF EXPLOSIVES.  
(See rule 57.)

| Class.   | Method of packing.  | Amount in<br>any one outer<br>package. | Amount in<br>any one inner<br>package. |
|--|---|--|--|
| Class 1 . . . .  | When the quantity in any one consignment does not exceed 5 lbs. in amount a single outer package; otherwise.<br>A double package, the inner and outer packages being as defined in rule 56.   | 100 lbs.                               | 100 lbs.                               |
| Class 2 . . . .  | As for Class 1 . . . . .  | 50 lbs.                                | 25 lbs.                                |
| Class 3, Division 1, other than propellants.                     | <sup>1</sup> (As for class 1, provided that either the outer or inner package shall be thoroughly waterproof, and that no metal shall be used in the construction of the packages, except that (1) nails made of brass, zinc or other soft metal or coated with the same may be used for securing the outer package, and (2) wire stitching may be used for securing the inner package if the wire is effectively prevented from coming into contact with the explosive by means of a sheet of stout cardboard or otherwise.) | 50 lbs.<br>50 lbs.<br>50 lbs.          | 25 lbs.<br>50 lbs.<br>5 lbs.           |
| Class 3, Division 1, propellants.                                | As for Class 1 . . . . .  | 50 lbs.                                | 50 lbs.                                |
| Class 3, Division 2, other than Picric Acid and Wet Gun cotton.  | As for Class 1 . . . . .  | 50 lbs.                                | 50 lbs.                                |
| Picric Acid . . . .  | As for Class 1 . . . . .  | Unlimited.                             | Unlimited.                             |
| Gun cotton so wetted with water as to be absolutely unflammable. | As for Class 1, provided that the inner or outer package, or both of them, shall be of such a nature, and so closed, as to prevent any material loss of moisture during conveyance.   | Ditto.                                 | Ditto.                                 |
| Class 4, Division 1 . .  | As for Class 3, Division 1, other than propellants.   | 50 lbs.                                | 5 lbs.                                 |
| Class 4, Division 2 . .  | As for Class 1 . . . . .  | 50 lbs.                                | 50 lbs.                                |
| Class 5 . . . . .  | Packed in water. A treble package, the innermost package being a bag permeable to water, enclosed in a case containing sufficient water to ensure the explosive being kept constantly wet; and the outer package containing sufficient water constantly to surround the case. Both the case and the outer package shall be of such construction as will not allow water to escape.  | 50 lbs.<br>50 lbs.<br>50 lbs.          | 50 lbs.<br>50 lbs.<br>25 lbs.          |

<sup>1</sup> Substituted by Notification No. 130, dated the 6th December, 1923. *Myore Residency Orders*, 1923, Pt. I, p. 70.

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SCHEDULE III—contd.

| Class.  | Method of packing.   | Amount in any one outer package. | Amount in any one inner package.                  |
|---|--|----------------------------------|---|
| Class 6, Division 1,<br>other than Pin-fire<br>cartridges for pistols.    | <p>If the explosive is of such character that it cannot be packed in a thoroughly wet condition, it shall be packed in accordance with conditions prescribed by the Chief Inspector of Explosives.</p> <p>A single outer package :<br/>Provided that clause (2) of rule 56 shall not apply to explosives of this Division.</p> <p>Provided also that bulletted cartridges of a calibre exceeding 0.5 inch and belonging to this division shall be packed in such a manner that the point of any bullet cannot come in contact with the cap of another cartridge.</p> | Unlimited.                       | ..  |
| Pin-fire cartridges for<br>pistols.                                       | <p>(a) Not exceeding 50 in number in any one consignment :—So packed in a single package that the bases lie alternately in opposite directions. The bases and pins shall be so fitted into perforations in millboard or other suitable material as to prevent the firing of any one of the said cartridges by an explosion in any other of the said cartridges.</p>  | 50 in number.                    | ..  |
|   | <p>(b) Exceeding 50 in number :—In an inner and outer package, the cartridges being packed in inner packages with millboard as above required.</p>   | 2,500 in number.                 | 50 in number.                                     |
| Class 6, Division 2   | <p>Explosives made up into cartridges or charges for cannon, shells, torpedoes, mines, blasting or other like purposes, shall be packed in such manner and in such quantity as is required for the same explosive when not so made up : provided that, where a double package is required, the enclosing case of such cartridges or charges may, if it satisfies the conditions required for an inner package, be held to be such inner package.</p> <p>Other ammunition of this division :—<br/>A single outer package.</p>   | ..                               | ..  |
|   |  | 100 lbs.                         | ..  |
| Class 6, Division 2,<br>other than Detonators and Electric<br>Detonators. | <p>As for Class 1 . . . . .</p> <p>Provided that bulletted cartridges of a calibre exceeding 0.5 inch and belonging to this Division shall be packed in such a manner that the point of any bullet cannot come in contact with the cap of another cartridge.</p>   | 50 lbs.                          | 2 lbs. or 10 in number, whichever be the greater. |
| Detonators . . . .  | <p>(a) Not exceeding 1,000 in any one consignment :—As for Class 1, provided that the detonators and the</p>   | 1,000 in number.                 | 100 in number.                                    |

SCHEDULE III.—*concl'd.*

| Class.              | Method of packing.   | Amount in any one outer package. | Amount in any one inner package. |
|---------------------|--|----------------------------------|----------------------------------|
|                     | spaces between the same and between the sides of the inner package and the said detonators shall all be filled, as far as practicable, with fine sawdust or other similar materials: a layer of felt or other soft yielding material shall be placed between both ends of all the detonators and the interior of the inner package in which the same are placed, in such manner, and so secured, that both ends of the detonators will rest upon the said cotton wool or other material; every inner package, if of metal, to be lined throughout with paper or other soft material; and<br>(b) Exceeding 1,000 detonators :—<br>The detonators shall be packed in inner packages, with sawdust and cotton wool as above described. Such inner packages shall be placed inside a substantial case of wood or metal, made and closed so as to prevent any of the inner packages escaping therefrom, and such case shall be placed inside an outer package in such manner and so secured as to leave a clear space of not less than three inches between the case and every part of the interior of the said outer package, notwithstanding that such clear space may, if preferred, be filled with sawdust, straw, or other similar materials or may contain a light framework or battens of wood to keep the case aforesaid in position in the outer package; and<br>(c) where the number of detonators exceeds 5,000, such outer package shall be provided with handles or other contrivance by means of which it can be safely and conveniently carried. | 10,000 in number.                | 100 in number.                   |
| Electric Detonators | As for Class 1, provided that where the number in any outer package exceeds 3,000, such outer package shall be provided with handles or other contrivance, by means of which it can be safely and conveniently carried.  | 5,000 in number.                 | 100 in number.                   |
| Class 7, Division 1 | Double package, the inner package being hermetically closed and contained in an outer package as above defined.  | 29 lbs.                          | 1 lb.                            |
| Class 7, Division 2 | Single outer package, provided that clause (2) of rule 56 shall not apply to explosives of this Class and Division.  | 100 lbs.                         | ..                               |

TABLE SHOWING DISTANCES WHICH SHOULD ORDI

[ See

In any case where any of the items enumerated in the first column of this from a Magazine either by the natural features of the ground or by good and line drawn from any part of the Magazine to any part of the item in question item (except for quantities of 1,000 lbs. of explosives and under, will as to afford a degree of protection which, in the opinion of an Inspector Table will be reduced to one-quarter. In no case, however, is the

N.B.—The figures in small italics are the distances to be observed when ordinary gunpowder only is to be stored or reckoned as 1 lb. of

|  | AMOUNT     |             |              |              |              |              |              |              |
|--|------------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|
|  | 500 lbs.   | 1,000 lbs.  | 2,000 lbs.   | 3,000 lbs.   | 4,000 lbs.   | 5,000 lbs.   | 6,000 lbs.   | 7,000 lbs.   |
| DISTANCES TO BE KEPT CLEAR FROM—   |            |             |              |              |              |              |              |              |
| Room used in connection with the magazine in pursu-<br>ance of rule 17.                            | 50<br>35   | 50<br>35    | 50<br>35     | 51           | 52           | 52           | 53           | 53           |
| Workshop used in connection with the magazine in pursu-<br>ance of rule 18 [See note (b)].         | ..         | 75<br>30    | 100<br>75    | 101<br>90    | 102          | 104          | 105          | 106          |
| Private railway  | ..         | ..          | ..           | ..           | ..           | ..           | ..           | ..           |
| Highway or public footpath   | ..         | ..          | ..           | ..           | ..           | ..           | ..           | ..           |
| Open air public meeting place (such as a market)   | ..         | ..          | ..           | ..           | ..           | ..           | ..           | ..           |
| Reservoir or bunded tank   | ..         | ..          | ..           | ..           | ..           | ..           | ..           | ..           |
| Room or workshop in connection with another magazine,<br>store or licensed premises.               | 100<br>65  | 150<br>100  | 200<br>150   | 200<br>175   | 200          | 200          | 200          | 200          |
| Any other room or workshop or any shop   | ..         | ..          | ..           | ..           | ..           | ..           | ..           | ..           |
| Any other explosive magazine or store for explosives   | ..         | ..          | ..           | ..           | ..           | ..           | ..           | ..           |
| Furnace, kiln or chimney   | ..         | ..          | ..           | ..           | ..           | ..           | ..           | ..           |
| Public Railway   | ..         | ..          | ..           | 210          | 215          | 225          | 235          | 240          |
| Dwelling-house, with the consent, in writing, of the<br>occupier.                                  | 50<br>35   | 75<br>50    | 100<br>75    | 110<br>90    | 120<br>100   | 130<br>110   | 140<br>125   | 145<br>150   |
| Dwelling-house, without such consent   | 100<br>65  | 150<br>100  | 200<br>150   | 240<br>175   | 280<br>200   | 320<br>255   | 365<br>310   | 405<br>350   |
| Factory not belonging to Government  | ..         | ..          | ..           | ..           | ..           | ..           | ..           | ..           |
| Church, chapel or hospital   | ..         | ..          | ..           | ..           | ..           | ..           | ..           | ..           |
| Public institution or building   | ..         | ..          | ..           | ..           | ..           | ..           | ..           | ..           |
| Government building  | ..         | ..          | ..           | ..           | ..           | ..           | ..           | ..           |
| <sup>1</sup> [Wireless Station.]   | ..         | ..          | ..           | ..           | ..           | ..           | ..           | ..           |
| Factory or magazine occupied by the Government of<br>India or any Department under the Government. | ..         | ..          | ..           | ..           | ..           | ..           | ..           | ..           |
| (1) <i>with</i> the consent, in writing, of the Government<br>of India or such Department.         | ..         | ..          | ..           | ..           | ..           | ..           | ..           | ..           |
| (2) <i>without</i> such consent  | 880<br>685 | 1320<br>880 | 1760<br>1320 | 1780<br>1540 | 1805<br>1760 | 1825<br>1790 | 1850<br>1820 | 1870<br>1850 |
| The Residency  | 1          | 1           | 1            | 1            | 1            | 1            | 1            | 1            |

NOTE.—(a) This table furnishes the basis on which applications for licenses will be considered, but is subject to the Government of India.

(b) This rule applies to two or more magazines kept on the same premises—(1) belonging to the Government of India.

(c) Detonators may be kept in an annex near to or adjoining a magazine under the following conditions—(1) The amount of explosives contained in the detonators must not exceed 100 lbs. reckoned in about 44,000 detonators of "sexuple strength; with detonators of greater strength

(2) The detonator annex must be so constructed that not less than 2 feet of masonry and 3

NARILY BE KEPT CLEAR ROUND MAGAZINES.

rule 28.]

Table is, in the opinion of an Inspector of Explosives, effectively screened substantial artificial mounds of earth or mine refuse, of such height that a will pass through the intervening ground or mound, the distance from that be reduced to one-half: Provided that when a natural hill so intervenes of Explosives justifies a further reduction, the distance shown in the distance from the Residency to be less than one mile.

other explosives up to the equivalent of 5,000 lbs. of gunpowder, every half pound of such other explosive being gunpowder.

OF EXPLOSIVE ALLOWED IN THE MAGAZINE (IN POUNDS.)

| 9,000 lbs. | 10,000 lbs. | 11,000 lbs. | 12,000 lbs. | 13,000 lbs. | 14,000 lbs. | 15,000 lbs. | 16,000 lbs. | 17,000 lbs. | 18,000 lbs. | 19,000 lbs. | 20,000 lbs. | 22,000 lbs. | 24,000 lbs. | 26,000 lbs. | 28,000 lbs. | 30,000 lbs. | 32,000 lbs. | 34,000 lbs. | 36,000 lbs. | 38,000 lbs. |
|------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| 54         | 55          | 55          | 56          | 56          | 57          | 57          | 58          | 58          | 59          | 59          | 60          | 61          | 62          | 63          | 64          | 65          | 66          | 67          | 68          | 69          |
| 109        | 110         | 111         | 112         | 113         | 114         | 115         | 116         | 117         | 118         | 119         | 120         | 122         | 124         | 126         | 128         | 130         | 132         | 134         | 136         | 138         |
| 200        | 200         | 205         | 210         | 215         | 220         | 225         | 230         | 235         | 240         | 245         | 250         | 265         | 280         | 295         | 310         | 325         | 340         | 355         | 370         | 385         |
| 255        | 265         | 270         | 280         | 285         | 290         | 300         | 305         | 310         | 315         | 325         | 330         | 345         | 355         | 370         | 380         | 395         | 410         | 420         | 435         | 445         |
| 165        | 175         | 180         | 190         | 200         | 205         | 215         | 220         | 230         | 235         | 245         | 250         | 265         | 280         | 295         | 310         | 325         | 340         | 355         | 370         | 385         |
| 160        |             |             |             |             |             |             |             |             |             |             |             |             |             |             |             |             |             |             |             |             |
| 485        | 525         | 560         | 590         | 625         | 655         | 690         | 720         | 750         | 785         | 815         | 850         | 920         | 990         | 1060        | 1130        | 1200        | 1265        | 1330        | 1395        | 1460        |
| 470        |             |             |             |             |             |             |             |             |             |             |             |             |             |             |             |             |             |             |             |             |
| 1910       | 1930        | 1950        | 1970        | 1990        | 2005        | 2025        | 2040        | 2060        | 2075        | 2095        | 2110        | 2145        | 2180        | 2215        | 2255        | 2290        | 2325        | 2360        | 2395        | 2430        |
| 1905       |             |             |             |             |             |             |             |             |             |             |             |             |             |             |             |             |             |             |             |             |
| 1½         | 1½          | 1½          | 1½          | 1½          | 1½          | 1½          | 1½          | 1½          | 1½          | 1½          | 1½          | 1½          | 1½          | 2           | 2           | 2           | 2½          | 2½          | 2½          | 2½          |

table to modifications under special circumstances on the advice of the Chief Inspector of Explosives with the same occupier, or (2) so kept by mutual consent of the respective occupiers.  
tions :—  
the proportion of not less than 2½ lbs. of explosives per 1,000 detonators. (This proportion represents roughly the number would be of course less.)  
feet of air-space shall intervene between any detonators in such annexe and the interior of the main magazine.



TABLE SHOWING DISTANCES WHICH SHOULD BE KEPT

|   | AMOUNT      |      |             |      |             |      |             |      |             |      |             |  |             |  |             |  |             |  |
|---|-------------|------|-------------|------|-------------|------|-------------|------|-------------|------|-------------|--|-------------|--|-------------|--|-------------|--|
|   | 40,000 lbs. |      | 42,000 lbs. |      | 44,000 lbs. |      | 46,000 lbs. |      | 48,000 lbs. |      | 50,000 lbs. |  | 52,000 lbs. |  | 54,000 lbs. |  | 56,000 lbs. |  |
| DISTANCES TO BE KEPT CLEAR FROM—  |             |      |             |      |             |      |             |      |             |      |             |  |             |  |             |  |             |  |
| Room used in connection with the magazine, in pursuance of rule 17.                             | 70          | 71   | 72          | 73   | 74          | 75   | 76          | 77   | 78          | 79   |             |  |             |  |             |  |             |  |
| Workshop used in connection with the magazine, in pursuance of rule 18 (See note (b)).          | 140         | 142  | 144         | 146  | 148         | 150  | 152         | 154  | 156         | 158  |             |  |             |  |             |  |             |  |
| Private railway . . . . .   |             |      |             |      |             |      |             |      |             |      |             |  |             |  |             |  |             |  |
| Highway or public footpath . . . . .  |             |      |             |      |             |      |             |      |             |      |             |  |             |  |             |  |             |  |
| Open air public meeting place (such as a market) . . . . .                                      |             |      |             |      |             |      |             |      |             |      |             |  |             |  |             |  |             |  |
| Reservoir or bunded tank . . . . .  |             |      |             |      |             |      |             |      |             |      |             |  |             |  |             |  |             |  |
| Room or workshop in connection with another magazine, store or licensed premises.               | 400         | 415  | 430         | 445  | 460         | 475  | 490         | 505  | 520         | 535  |             |  |             |  |             |  |             |  |
| Any other room or workshop or any shop . . . . .  |             |      |             |      |             |      |             |      |             |      |             |  |             |  |             |  |             |  |
| Any other explosive magazine or store for explosives . . . . .                                  |             |      |             |      |             |      |             |      |             |      |             |  |             |  |             |  |             |  |
| Furnace, kiln or chimney . . . . .  |             |      |             |      |             |      |             |      |             |      |             |  |             |  |             |  |             |  |
| Public Railway . . . . .  | 460         | 475  | 485         | 500  | 510         | 525  | 540         | 550  | 565         | 575  |             |  |             |  |             |  |             |  |
| Dwelling-house, with the consent, in writing, of the occupier.                                  | 400         | 415  | 430         | 445  | 460         | 475  | 490         | 505  | 520         | 535  |             |  |             |  |             |  |             |  |
| Dwelling-house, without such consent . . . . .  | 1525        | 1590 | 1655        | 1720 | 1785        | 1850 | 1915        | 1980 | 2045        | 2110 |             |  |             |  |             |  |             |  |
| Factory not belonging to Government . . . . .   |             |      |             |      |             |      |             |      |             |      |             |  |             |  |             |  |             |  |
| Church, chapel or hospital . . . . .  |             |      |             |      |             |      |             |      |             |      |             |  |             |  |             |  |             |  |
| Public institution or building . . . . .  |             |      |             |      |             |      |             |      |             |      |             |  |             |  |             |  |             |  |
| Government building . . . . .   |             |      |             |      |             |      |             |      |             |      |             |  |             |  |             |  |             |  |
| [Wireless Station.]   |             |      |             |      |             |      |             |      |             |      |             |  |             |  |             |  |             |  |
| Factory or magazine occupied by the Government of India or any Department under the Government— |             |      |             |      |             |      |             |      |             |      |             |  |             |  |             |  |             |  |
| (1) with the consent, in writing, of the Government of India or such Department.                |             |      |             |      |             |      |             |      |             |      |             |  |             |  |             |  |             |  |
| (2) without such consent . . . . .  | 2465        | 2500 | 2535        | 2570 | 2605        | 2640 | 2675        | 2710 | 2745        | 2780 |             |  |             |  |             |  |             |  |
| The Residency . . . . . miles   | 21          | 21   | 21          | 21   | 21          | 3    | 3           | 3    | 3           | 3    |             |  |             |  |             |  |             |  |

[ Mysore Residency Orders

<sup>1</sup> Inserted by Notification No. 27, dated the 24th April, 1917. Mysore Residency

SHALL BE KEPT CLEAR ROUND MAGAZINES—*contd.*

15 EXPLOSIVE ALLOWED IN THE MAGAZINE (IN OUNCE.)

| 60,000 lbs. | 62,000 lbs. | 64,000 lbs. | 66,000 lbs. | 68,000 lbs. | 70,000 lbs. | 72,000 lbs. | 74,000 lbs. | 76,000 lbs. | 78,000 lbs. | 80,000 lbs. | 82,000 lbs. | 84,000 lbs. | 86,000 lbs. | 88,000 lbs. | 90,000 lbs. | 92,000 lbs. | 94,000 lbs. | 96,000 lbs. | 98,000 lbs. | 100,000 lbs. |
|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|
| 161         | 162         | 163         | 164         | 165         | 166         | 167         | 168         | 169         | 170         | 171         | 172         | 173         | 174         | 175         | 176         | 177         | 178         | 179         | 180         | 181          |
| 182         | 183         | 184         | 185         | 186         | 187         | 188         | 189         | 190         | 191         | 192         | 193         | 194         | 195         | 196         | 197         | 198         | 199         | 200         | 201         | 202          |
| 203         | 204         | 205         | 206         | 207         | 208         | 209         | 210         | 211         | 212         | 213         | 214         | 215         | 216         | 217         | 218         | 219         | 220         | 221         | 222         | 223          |
| 224         | 225         | 226         | 227         | 228         | 229         | 230         | 231         | 232         | 233         | 234         | 235         | 236         | 237         | 238         | 239         | 240         | 241         | 242         | 243         | 244          |
| 245         | 246         | 247         | 248         | 249         | 250         | 251         | 252         | 253         | 254         | 255         | 256         | 257         | 258         | 259         | 260         | 261         | 262         | 263         | 264         | 265          |
| 266         | 267         | 268         | 269         | 270         | 271         | 272         | 273         | 274         | 275         | 276         | 277         | 278         | 279         | 280         | 281         | 282         | 283         | 284         | 285         | 286          |
| 287         | 288         | 289         | 290         | 291         | 292         | 293         | 294         | 295         | 296         | 297         | 298         | 299         | 300         | 301         | 302         | 303         | 304         | 305         | 306         | 307          |
| 308         | 309         | 310         | 311         | 312         | 313         | 314         | 315         | 316         | 317         | 318         | 319         | 320         | 321         | 322         | 323         | 324         | 325         | 326         | 327         | 328          |
| 329         | 330         | 331         | 332         | 333         | 334         | 335         | 336         | 337         | 338         | 339         | 340         | 341         | 342         | 343         | 344         | 345         | 346         | 347         | 348         | 349          |
| 350         | 351         | 352         | 353         | 354         | 355         | 356         | 357         | 358         | 359         | 360         | 361         | 362         | 363         | 364         | 365         | 366         | 367         | 368         | 369         | 370          |
| 371         | 372         | 373         | 374         | 375         | 376         | 377         | 378         | 379         | 380         | 381         | 382         | 383         | 384         | 385         | 386         | 387         | 388         | 389         | 390         | 391          |
| 392         | 393         | 394         | 395         | 396         | 397         | 398         | 399         | 400         | 401         | 402         | 403         | 404         | 405         | 406         | 407         | 408         | 409         | 410         | 411         | 412          |
| 413         | 414         | 415         | 416         | 417         | 418         | 419         | 420         | 421         | 422         | 423         | 424         | 425         | 426         | 427         | 428         | 429         | 430         | 431         | 432         | 433          |
| 434         | 435         | 436         | 437         | 438         | 439         | 440         | 441         | 442         | 443         | 444         | 445         | 446         | 447         | 448         | 449         | 450         | 451         | 452         | 453         | 454          |
| 455         | 456         | 457         | 458         | 459         | 460         | 461         | 462         | 463         | 464         | 465         | 466         | 467         | 468         | 469         | 470         | 471         | 472         | 473         | 474         | 475          |
| 476         | 477         | 478         | 479         | 480         | 481         | 482         | 483         | 484         | 485         | 486         | 487         | 488         | 489         | 490         | 491         | 492         | 493         | 494         | 495         | 496          |
| 497         | 498         | 499         | 500         | 501         | 502         | 503         | 504         | 505         | 506         | 507         | 508         | 509         | 510         | 511         | 512         | 513         | 514         | 515         | 516         | 517          |
| 518         | 519         | 520         | 521         | 522         | 523         | 524         | 525         | 526         | 527         | 528         | 529         | 530         | 531         | 532         | 533         | 534         | 535         | 536         | 537         | 538          |
| 539         | 540         | 541         | 542         | 543         | 544         | 545         | 546         | 547         | 548         | 549         | 550         | 551         | 552         | 553         | 554         | 555         | 556         | 557         | 558         | 559          |
| 560         | 561         | 562         | 563         | 564         | 565         | 566         | 567         | 568         | 569         | 570         | 571         | 572         | 573         | 574         | 575         | 576         | 577         | 578         | 579         | 580          |
| 581         | 582         | 583         | 584         | 585         | 586         | 587         | 588         | 589         | 590         | 591         | 592         | 593         | 594         | 595         | 596         | 597         | 598         | 599         | 600         | 601          |
| 602         | 603         | 604         | 605         | 606         | 607         | 608         | 609         | 610         | 611         | 612         | 613         | 614         | 615         | 616         | 617         | 618         | 619         | 620         | 621         | 622          |
| 623         | 624         | 625         | 626         | 627         | 628         | 629         | 630         | 631         | 632         | 633         | 634         | 635         | 636         | 637         | 638         | 639         | 640         | 641         | 642         | 643          |
| 644         | 645         | 646         | 647         | 648         | 649         | 650         | 651         | 652         | 653         | 654         | 655         | 656         | 657         | 658         | 659         | 660         | 661         | 662         | 663         | 664          |
| 665         | 666         | 667         | 668         | 669         | 670         | 671         | 672         | 673         | 674         | 675         | 676         | 677         | 678         | 679         | 680         | 681         | 682         | 683         | 684         | 685          |
| 686         | 687         | 688         | 689         | 690         | 691         | 692         | 693         | 694         | 695         | 696         | 697         | 698         | 699         | 700         | 701         | 702         | 703         | 704         | 705         | 706          |
| 707         | 708         | 709         | 710         | 711         | 712         | 713         | 714         | 715         | 716         | 717         | 718         | 719         | 720         | 721         | 722         | 723         | 724         | 725         | 726         | 727          |
| 728         | 729         | 730         | 731         | 732         | 733         | 734         | 735         | 736         | 737         | 738         | 739         | 740         | 741         | 742         | 743         | 744         | 745         | 746         | 747         | 748          |
| 749         | 750         | 751         | 752         | 753         | 754         | 755         | 756         | 757         | 758         | 759         | 760         | 761         | 762         | 763         | 764         | 765         | 766         | 767         | 768         | 769          |
| 770         | 771         | 772         | 773         | 774         | 775         | 776         | 777         | 778         | 779         | 780         | 781         | 782         | 783         | 784         | 785         | 786         | 787         | 788         | 789         | 790          |
| 791         | 792         | 793         | 794         | 795         | 796         | 797         | 798         | 799         | 800         | 801         | 802         | 803         | 804         | 805         | 806         | 807         | 808         | 809         | 810         | 811          |
| 812         | 813         | 814         | 815         | 816         | 817         | 818         | 819         | 820         | 821         | 822         | 823         | 824         | 825         | 826         | 827         | 828         | 829         | 830         | 831         | 832          |
| 833         | 834         | 835         | 836         | 837         | 838         | 839         | 840         | 841         | 842         | 843         | 844         | 845         | 846         | 847         | 848         | 849         | 850         | 851         | 852         | 853          |
| 854         | 855         | 856         | 857         | 858         | 859         | 860         | 861         | 862         | 863         | 864         | 865         | 866         | 867         | 868         | 869         | 870         | 871         | 872         | 873         | 874          |
| 875         | 876         | 877         | 878         | 879         | 880         | 881         | 882         | 883         | 884         | 885         | 886         | 887         | 888         | 889         | 890         | 891         | 892         | 893         | 894         | 895          |
| 896         | 897         | 898         | 899         | 900         | 901         | 902         | 903         | 904         | 905         | 906         | 907         | 908         | 909         | 910         | 911         | 912         | 913         | 914         | 915         | 916          |
| 917         | 918         | 919         | 920         | 921         | 922         | 923         | 924         | 925         | 926         | 927         | 928         | 929         | 930         | 931         | 932         | 933         | 934         | 935         | 936         | 937          |
| 938         | 939         | 940         | 941         | 942         | 943         | 944         | 945         | 946         | 947         | 948         | 949         | 950         | 951         | 952         | 953         | 954         | 955         | 956         | 957         | 958          |
| 959         | 960         | 961         | 962         | 963         | 964         | 965         | 966         | 967         | 968         | 969         | 970         | 971         | 972         | 973         | 974         | 975         | 976         | 977         | 978         | 979          |
| 980         | 981         | 982         | 983         | 984         | 985         | 986         | 987         | 988         | 989         | 990         | 991         | 992         | 993         | 994         | 995         | 996         | 997         | 998         | 999         | 1000         |

1915, Pt. 1. p. 225.]

Orders, 1917, Pt. I, p. 255.

*Picric acid, picrates, and mixtures of picric acid declared to be  
explosives.*

No. 126-I., dated the 10th March, 1927.—In exercise of the powers conferred by section 17 of the Indian Explosives Act, 1884 (IV of 1884), as applied to the Civil and Military Station of Bangalore, the Governor General in Council is pleased to declare that picric acid, picrates, and mixtures of picric acid shall be deemed to be explosives within the meaning of the said Act as so applied, subject to the following exceptions, namely:—

- (a) Picric acid or a picrate when mixed with not less than one-half its own weight of water shall not be deemed to be an explosive.
- (b) Picric acid when thoroughly mixed with not less than three-times its own weight of—
  - (i) anhydrous sulphate of soda, or
  - (ii) crystallised sulphate of soda, and packed in hermetically closed packages, or
  - (iii) potash alum,shall not be deemed to be an explosive.
- (c) Picric acid when the quantity does not exceed one ounce shall not be deemed to be an explosive, provided that:—
  - (i) such picric acid is so kept and conveyed as not to be liable, whether under the action of fire or otherwise, to come in contact with any substance specified in the annexed schedule, or with any fire or light capable of igniting such picric acid;
  - (ii) such picric acid when dry is contained in a packet from which the contents cannot escape; and in the construction of which no metal other than aluminium or an alloy containing not less than 90 per cent. of aluminium is used;
  - (iii) each package is legibly marked "Picric acid";
  - (iv) if the picric acid is contained in glass bottles, the stoppers shall not be of glass.

*Schedule.*

Any of the following metals or metallic oxides, namely, lead, oxide of lead, oxide of iron, potash, baryta, lime, soda, oxide of zinc, oxide of copper; and any compound of such metal or oxide (other than a metallic sulphate); or any chlorate, nitrate or other oxidising agent; or any other substance declared by the Governor General in Council to be capable of forming with picric acid a dangerous compound.

Provided that this schedule shall not be deemed to include any metal or oxide unavoidably formed on any metal, used in the construction of any ship, boat or carriage, or contained in any paint, where the packages containing the picric acid are protected from direct contact with such metal or paint.

[*Gazette of India*, 1927, Pt. I, p. 344.]

*Di-nitro-phenol, Di-nitro-phenolates and mixtures of Di-nitro-phenol declared to be explosives, with certain exceptions.*

No. 455-I., dated the 24th July, 1928.—In exercise of the powers conferred by section 17 of the Indian Explosives Act, 1884 (IV of 1884), as applied to the Civil and Military Station of Bangalore, the Governor General in Council is pleased to declare that Di-nitro-phenol, Di-nitro-phenolates and mixtures of Di-nitro-phenol with any other substances shall be deemed to be explosives within the meaning of the said Act, subject to the following exceptions, namely:—

- (a) Di-nitro-phenol during the process of manufacture, if mixed with moisture in the proportion of 85 parts by weight of di-nitro-phenol to not less than 15 parts by weight of moisture, shall not be deemed to be an explosive;
- (b) Di-nitro-phenol, if mixed with water in the proportion of 85 parts by weight of di-nitro-phenol to not less than 15 parts by weight of water and contained in water-tight packages, shall not be deemed to be an explosive;
- (c) Di-nitro-phenol containing less than 15 parts by weight of water and not exceeding five lb. in quantity if contained in packages from which it cannot escape and in the construction of which, with the exception of nails, screws or other devices necessary for securing the package, no metal other than aluminium or an alloy containing not less than 90 per cent. of aluminium is used, shall not be deemed to be an explosive;

Provided that the foregoing exceptions shall not apply unless:—

- (i) the di-nitro-phenol is so kept and conveyed as not to be liable, whether under the action of fire or otherwise, to come in contact with any substance specified in the annexed Schedule or with any fire or light capable of igniting such di-nitro-phenol, and
  - (ii) each package is legibly marked "Di-nitro-phenol".
- (d) Di-nitro-phenolate, when mixed with not less than half its own weight of water and kept or conveyed in water-tight packages, shall not be deemed to be an explosive.

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(c) Di-nitro-phenol, when thoroughly mixed with not less than three times its own weight of—

(i) anhydrous sulphate of soda, or

(ii) crystallized sulphate of soda, and packed in hermetically closed packages, or

(iii) potash alum,

shall not be deemed to be an explosive provided that each package is legibly marked with the name of the substance.

*Schedule.*

Any of the following metals or metallic oxides, namely lead, oxide of lead, oxide of iron, potash, baryta, lime, soda, oxide of zinc, oxide of copper; and any compound of such metal or oxide (other than a metallic sulphate); or any chlorate, nitrate or other oxidising agent; or any other substance declared by the Governor General in Council to be capable of forming with di-nitro-phenol a dangerous compound.

Provided that this Schedule shall not be deemed to include any metal, or oxide unavoidably formed on any metal, used in the construction of any ship, boat or carriage, or contained in any paint, where the packages containing di-nitro-phenol are protected from direct contact with such metal or paint.

[*Gazette of India*, 1928, Pt. I, p. 682.]

MEASURES OF LENGTH ACT, 1889.

*Officers in charge of measures.*

No. 700—2979, dated the 1st March, 1890.—Under the provisions of the Bangalore Measures of Length Law, 1889,<sup>1</sup> the Resident in Mysore directs that the public servants mentioned in the schedule hereto annexed, who have been supplied with certified measures under the said Law, shall have charge of the said measures for the purposes of the said Law.

*Schedule.*

The Collector of the Civil and Military Station of Bangalore.

The District Superintendent of Police of the Civil and Military Station of Bangalore.

The Second Magistrate of the Civil and Military Station of Bangalore.

The Inspector, B-I Division of the Civil and Military Station of Bangalore.

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<sup>1</sup> Superseded by Act II of 1889 as applied. See Notification No. 261-I, dated the 24th April, 1929. Printed *supra*, p. 39.

The Inspector, B-II Division of the Civil and Military Station of Bangalore.

The Chief Constable, B-II Division of the Civil and Military Station of Bangalore.

The Inspector, B-III Division of the Civil and Military Station of Bangalore.

[*Gazette of India*, 1890, Pt. II. p. 127.]

MERCHANDISE MARKS ACT, 1889.

*Instructions to be observed by Criminal Courts with reference to trade descriptions of quantity, measure or weight of certain goods.*

No. 1219-I., dated the 12th April, 1891. \*<sup>1</sup>

2. In exercise of the power conferred by section 16 of the Act as so applied the Governor General in Council is further pleased to direct that the provisions of Home Department<sup>2</sup> Notification No. 1474, dated the 13th November, 1891, shall apply to that station.

[*Gazette of India*, 1894, Pt. I, p. 201.]

INDIAN RAILWAYS ACT, 1890.

*Liability of the Madras Railway Company to certain taxes.*

No. 1832-I. B., dated the 24th April, 1903.—In exercise of the powers conferred by section 135 of the Indian Railways Act, 1890 (IX of 1890), as applied to the Civil and Military Station of Bangalore by the notification of the Government of India in the Foreign Department,<sup>1</sup> No. 1330-I., dated the 23rd March, 1891, and in supersession of the notification of the Government of India in the Public Works Department, No. 39, dated the 4th February, 1903, the Governor General in Council is pleased to declare:

- (a) in pursuance of clause (1) of that section, that the Madras Railway Company is liable to pay, in aid of the funds of the Bangalore Municipality, in respect of houses, buildings and lands occupied by the Company within the limits of the Civil and Military Station of Bangalore, the tax on buildings and lands, the water tax and the house scavenging tax, for the time being imposed by the Municipal Commission under the Bangalore Municipal Law, 1897: and

<sup>1</sup> This clause applying the Act to the Civil and Military Station was cancelled by Notification No. 2477-I. B., dated the 16th December, 1910. See now Notification No. 261-I., dated the 24th April, 1929, which applies the Act. *supra*, p. 39.

<sup>2</sup> *Gazette of India*, 1891, Pt. I, p. 626.

<sup>3</sup> See now Notification No. 261-I., dated the 24th April, 1929. Printed *supra*, p. 39.

- (b) in pursuance of clause (2) of the said section 135, to appoint the Resident in Mysore to determine the sum, if any, which, having regard to all the circumstances of the case, may appear to him to be a fair and reasonable sum for the said Railway Company to pay in lieu of the said taxes.

[*Gazette of India*, 1903, Pt. I, p. 387.]

*Delegation of powers and functions to the Resident.*

No. 1330-I., dated the 23rd March, 1891. <sup>c1</sup>

2. In exercise of the power conferred by section 144 of the said Indian Railways Act, the Governor General in Council is pleased to delegate to the Resident in Mysore, to the extent and subject to the conditions hereinafter specified, the following powers and functions which are now vested in him under the said Act; the powers and functions hereby delegated being liable to be revoked or varied, and the exercise and discharge thereof to be controlled, as the Governor General in Council may from time to time think fit:—

- (1) *Sections 7, 9 and 11.*—All the powers and functions of the Governor General in Council, subject to the proviso that the exercise and discharge of such powers and functions will not entail any expenditure in excess of the general powers of sanction of the Resident.
- (2) *Section 48.*—All the powers and functions of the Governor General in Council, only in cases where the Railways concerned are under the control of the Resident.
- (3) *Section 51, clauses (a), (b), (c), (d), and (e), and section 55.*—All the powers and functions of the Governor General in Council.
- (4) *Section 63.*—The power of determining the vernacular languages in which the maximum number of passengers to be carried in each compartment shall be exhibited.
- (5) *Section 82.*—The power of notifying the Magistrates and police officer to whom notices of railway accidents are to be given.

[*Gazette of India*, 1891, Pt. I, p. 167.]

LAND ACQUISITION ACT, 1894.

*Rules.*

No. 23, dated the 16th February, 1924.—Under Section 55 of the Land Acquisition Act, 1894, as applied to the Civil and Military Station of

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<sup>1</sup> See footnote 1 on pre-page.

Bangalore, the Hon'ble the Resident in Mysore is pleased to make the following rules:—

*Rule 1.*—Immediately after the publication of the notice under section 4 (1), the Collector shall issue a notice stating that the land is needed or is likely to be needed, as the case may be, for a public purpose and requiring all persons interested in the land to lodge before the Collector within thirty days, after the issue of the notification, a statement in writing of their objections, if any, to the proposed acquisition. This notice should be published at convenient places in the said locality, and copies thereof fixed up in the offices of the Collector and in the nearest Police Station.

*Rule 2.*—The grounds on which objections can be taken under section 5-A of the Act, shall ordinarily be—

- (a) that the purpose for which the land is required is not a *bonâ fide* public purpose,
- (b) that the particular land notified is not the best adapted to the purpose,
- (c) that its area is greater than necessary,
- (d) that the severance of the land proposed to be acquired diminishes the value and utility of the unacquired portion, and
- (e) that the land proposed to be acquired contains mosques, temples, churches, tombs or grave-yards.

*Rule 3.*—The statement of objections should mention how the objector is interested in the land.

*Rule 4.*—(a) If a statement of objections is filed after the due date or by a person who is not interested in the land, it shall be summarily rejected.

(b) If any objections are received from a person interested in the land and within the time prescribed in sub-section (1) of section 5-A, the Collector shall fix a date for hearing the objections and give notice thereof to the objector as well as to the department or company requiring the land, where such department is not the Revenue Department. Copies of the objections shall also be forwarded to such department or company. The department or company may file on or before the date fixed by the Collector a statement by way of answer to the objections and may also depute a representative to attend the enquiry.

(c) On the date fixed for enquiry or any other date to which the enquiry may be adjourned by the Collector, the Collector shall hear the objector or his pleader and the representative, if any, of the department or company and record any evidence that may be produced in support of the objections.



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*Rule 5.*—On completion of his enquiry, the Collector shall submit the case for the decision of the Resident in Mysore, in the manner provided in section 5-A (2) of the Land Acquisition Act.

*Rule 6.*—On a consideration of the objections and the Collector's report thereon, if the Resident decides that the land should be acquired, the declaration required under section 6 of the Act should be submitted by the Collector to the Resident for approval and publication in the official Gazette. If on the other hand, the Resident decides to give up the acquisition, a notification cancelling the notification issued under section 4, shall be published.

[*Mysore Residency Orders*, 1924, Pt. I, p. 109.]

#### EPIDEMIC DISEASES ACT, 1897.

##### *Local rules.*

*No. 829-P., dated the 24th July, 1906.*—In exercise of the powers conferred under section 2, sub-section (1) of the Epidemic Diseases Act, III of 1897 as applied to the Civil and Military Station of Bangalore, and delegated to him by sub-section (3) of the same section by the notification of the Government of India,<sup>1</sup> No. 567-I. A., dated the 12th February, 1897, the Resident in Mysore is pleased to prescribe, under the said Epidemic Diseases Act, and in supersession of all Regulations previously issued on the subject the following Regulations to be observed in the Civil and Military Station of Bangalore.

#### PART I.—GENERAL ORGANIZATION.

1. The general control of the arrangements for the prevention and suppression of plague in the Civil and Military Station is in the hands of the Resident in Mysore, who may delegate such of the powers conferred by these Regulations as he may think fit to the President, Municipal Commission, or to any other officer. The Resident may appoint an officer to supervise the accounts, and other clerical work, connected with plague expenditure.

2. The Residency Surgeon is responsible for the supervision of the work of the District Medical Officers, of the Inspecting Medical Officers, and of the Hospital and Isolation Camp staff, and also for the working of the Health Department of the Municipal Commission, subject to the orders of the Resident.

3. The duties of the District Medical Officers are to visit cases of sickness and death, to examine arrivals, to supervise the work of supervisors in their districts, to superintend the disinfection of the houses of

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<sup>1</sup> Superseded by Notification No. 5041-I. C., dated the 20th December, 1906. *Gazette of India*, 1906, Pt. I, p. 924.

sick or suspected persons: also should no Special Plague Officer be appointed for the purpose, to bring to the notice of the Health Officer of the Municipal Commission any defects in the sanitation, or in the registration of vital statistics in their districts, and generally to carry out such duties as may be prescribed for them by the Residency Surgeon. They will also transmit daily to the Health Officer a nominal roll of all deaths reported in their respective districts. These nominal rolls should give the name, address and diseases, if ascertained, of the deceased, with information as to how the cause of death has been ascertained.

4. The District Superintendent of Police will supervise the police arrangements connected with the observation and examination of travellers, the guarding of camps and the watching of cemeteries, and is held responsible that his Police co-operate actively in the carrying out of all measures for the prevention and suppression of plague.

5. A Chief Plague Officer, and Special Plague Officers, may be appointed by the Resident for the carrying out of arrangements for the disinfection and evacuation of infected places, for the organization and management of the labour employed on plague operations, and for such other duties as may be assigned to them by the Resident.

6. Supervisors may be appointed for the purpose of keeping correct registers of the inmates of each house, and of the movements of the population. They shall report all cases of sickness and death to the District Medical Officers. They should explain to the people in their circles the necessity of registering their relatives' deaths and should urge them to produce reliable evidence of the cause of their friends' or relatives' deaths and advise them, in the absence of other skilled opinion, to avail themselves of the District Medical Officer's services.

## PART II.—MEASURES AGAINST THE IMPORTATION OF PLAGUE.

### (a) Arrivals by rail.

7. Medical or other officers, appointed as Inspecting officers by the Resident, shall have power to examine all persons arriving by rail at the Bangalore City and Cantonment Railway Stations, and all such persons shall proceed to the spot indicated by the Inspecting Officer for his medical inspection, and shall not depart from there without the sanction of the Inspecting Officer.

8. The examination of females shall be effected by a female medical subordinate, and every precaution shall be taken to respect the privacy of females who do not appear in public.

9. In the case of persons arriving at the Bangalore City and Cantonment Railway Stations, who intend to reside within the limits of the Civil and Military Station, the Medical or other officer, appointed by the

Resident in this behalf, may demand of the person so arriving, his name, usual abode, and particulars of the places in which he has resided or which he has visited during the previous fifteen days, and also the address to which he is about to proceed, and any other particulars which the Medical or other officer may think fit to ask in view of satisfying himself as to the likelihood of the said person's spreading the infection of plague. A person so interrogated shall be bound to answer truly, to the best of his knowledge and belief, all such questions and enquiries.

10. The Medical or other officer, appointed by the Resident under Regulation 7, may serve such person with a notice requiring him to report himself at the office of the District Medical Officer within whose district he is about to reside, within 24 hours, and to attend as subsequently directed by the District Medical Officer. If any such person cannot, in the opinion of such Medical or other officer appointed under Regulation 7, be relied on to report himself as directed, he may be sent by the Medical or other officer to the office of the Medical Officer within whose district he is about to reside, under escort of a police constable, and may be required to remain under such escort until his intended place of residence shall have been satisfactorily ascertained.

Provided that no person holding a certificate of inoculation, dated within six months previously, shall be required, unless he is unable to clearly indicate his intended place of residence, to report himself at the office of the District Medical Officer, but notice of his arrival shall be sent by the Medical or other officer at the Railway Station to the Medical Officer of the District in which he is about to reside, and he may be required to be present in his residence on such day, and at such time, as the District Medical Officer may appoint.

11. Persons alighting at the Cantonment Station, who intend to reside within the limits of Bangalore City, may be directed by the Medical or other officer appointed under Regulation 7 to report themselves to the ward-officer of the ward in which they intend to reside, and may, if the Mysore Government so require, be sent to the ward-officer under the escort of the Mysore State Police.

12. Nothing in these Regulations shall require females who do not appear in public to be interrogated by any person other than a female at the Railway Station, or to attend at any office, but they may be examined in their houses by females deputed by the District Medical Officer for the purpose.

13. The President of the Municipal Commission may prohibit the import of used apparel and bedding (except when carried as the personal baggage of travellers), rags, and waste paper, from any infected area into the Civil and Military Station.

*(b) Arrivals by road.*

14. The President of the Municipal Commission may require all persons arriving in the Civil and Military Station by road to report themselves to the Medical Officer of the district in which they intend to reside within twenty-four hours of their arrival. The District Medical Officer may, at his discretion, give a written notice to such persons requiring them to attend at his office for such number of days not exceeding ten as he thinks fit. A person holding an inoculation certificate, dated within six months previously, will be obliged to report himself to the Medical Officer within twenty-four hours of his arrival, but will not be liable to again attend at the District Medical Office.

15. The District Medical Officer may direct any person whom he suspects of having arrived in the Civil and Military Station, whether by rail or road without having reported himself, to attend at his office for such number of days not exceeding ten as he thinks fit.

16. The President of the Municipal Commission may require every house-holder or head of a family to report to the supervisor of his block the arrival of any person from outside the Civil and Military Station in his house or family, whose arrival he does not know to have been otherwise reported to the District Medical Officer.

*(c) General measures for the prevention of plague, and the treatment of early cases before plague becomes epidemic.*

17. For so long as the Resident may declare this Regulation to be in force, the President of the Municipal Commission may require each house-holder or head of a family to give immediate information of any sickness occurring within his house or family to the Medical Officer of his district, or to a medical practitioner authorised in this behalf by the Resident.

18. The President of the Municipal Commission may require all medical practitioners, at once, to report to the District Medical Officer of the circle in which the sick person lives, any case of sickness or death in which glandular swellings or other symptoms suggestive of plague are perceived by them.

19. The President of the Municipal Commission may require every house-holder who becomes cognizant of any case of plague, or of fever with glandular swellings, in his house, or in any other private dwelling within the Civil and Military Station of Bangalore, to give information of the same to the District Medical Officer with the least practicable delay.

20. The owner or occupier of any house shall permit the District Medical Officer, or any Medical Officer duly authorised by the Resident, to enter his premises and examine any person whom the Medical Officer

has reason to believe to be ill, or to have recently arrived from an infected area. If the person be a female, the examination shall, if the owner or occupier of the house desires it, be made by a female.

21. If on the examination of any person, the District Medical Officer, or any Medical Officer duly authorized by the Resident, believes or suspects that such person is suffering from pneumonic plague, he may cause such person to be removed to the hospital provided for the purpose, or may take measures for segregating him in his house, if he can be properly segregated therein: provided that when he considers the death of such person to be imminent he shall not insist on his removal to hospital.

22. When the District Medical Officer or any Medical Officer duly authorized by the Resident, has, under the preceding Regulation, caused a person suffering, or believed to be suffering, from pneumonic plague, to be removed to the hospital, he may also cause the occupants of the house in which such person resides to be removed to a detention camp and detained for ten days: provided that any member of the family who desires to attend on the sick person shall be allowed to do so: and provided also that no person holding a certificate of inoculation, dated within six months previously, shall be removed to the detention camp, except for so long as may be necessary for his disinfection.

23. The owner or occupier of a house shall comply with any order that may be issued by the Resident, or by any officer duly authorised by him in this behalf, with regard to the cleaning and disinfection of his house, the destruction of rats therein, the disinfection of the clothing or personal effects of the inmates, the medical inspection of any person who has, or is believed to have, come from an infected area, the disposal of any corpse, the improvement of the sanitary condition of the premises, or with regard to other similar matters: and the officer in question shall, if he considers it necessary, himself take measures for the disinfection of the house, for the killing of rats or for the carrying out of measures prescribed by this Regulation.

24. When, in the opinion of the District Medical Officer, any building or place is so overcrowded as to render the inmates or occupants thereof specially liable to an attack of plague, or to contribute to the spread of the disease should an outbreak occur, the Resident, or any officer duly authorised by him, may by notice posted on some conspicuous part of the building or place, require the owner or occupier to abate the overcrowding within such period as he shall prescribe, not being less than 48 hours, by reducing the number of lodgers, tenants or inmates of the said building or place: and in default of compliance with the requisition in the said notice may summarily eject all the inmates or occupants, or reduce the number of such inmates and occupants in such manner and to such extent, as may appear necessary: and the owner or

the tenants or the inmates of such building or place shall not be entitled to claim any compensation on account of such ejection.

PART III.—ACTION TO BE TAKEN ON AN OUTBREAK OF PLAGUE.

25. When there is reason to believe that cases of plague are occurring within the Civil and Military Station, the Regulations contained in Part II shall continue in full force and effect until suspended or modified by the Resident.

26. The powers of removal of persons suffering from pneumonic plague and of the occupants of the houses in which such persons have been residing, to the hospital and detention camp respectively, vested in Medical Officers by Regulations 21 and 22, shall continue to be exercised by them, unless or until the Resident issues a notification cancelling or modifying these powers.

27. Special Plague Officers appointed for the work of disinfection, or for any other duty assigned to them by the Resident, shall have the right to enter the premises of any place or building in the execution of their duties.

28. There shall be provided, in such localities as are suitable for the purpose, places for the treatment of persons suffering or suspected to be suffering from plague, or for the housing of persons who have been in contact with plague cases, or for the accommodation of persons who have been obliged to evacuate infected quarters.

29. Any house, building or land, which the Resident considers to be suitable and required for the purpose of a hospital, or for the housing of persons who have been in contact with plague, or for the erection of camps for the accommodation of persons who have left their dwellings, may be entered upon and occupied by the Resident or by any officer authorised by him, if untenanted, without any notice whatever, and if tenanted, after twenty-four hours' notice in writing has been conspicuously posted on such house, building, or land, and may be used for any of the above purposes. The owner or lessee of such house, building or land shall not be entitled to claim anything beyond a reasonable rent for the period during which such house, building or land may remain in such occupation, provided that the Resident shall be bound at the cost of Plague Funds to clean and disinfect the said house, building or land: and, if a house or building, to limewash it both internally and externally before vacating it.

30. The Resident may grant permission to any person, or to the members of a particular caste, to erect or provide family or caste hospitals and camps.

31. Such hospitals and camps shall be under the management of the person or caste providing them, subject to medical inspection by the

Residency Surgeon, and provided that suitable arrangements are made for guarding them. The Resident may at any time for any sufficient reason close any family or caste hospital or camp.

32. The cost of any such hospital or camp shall be met by the persons on whose application they were sanctioned: but the Resident may make a grant in aid of the expenses of any such hospital or camp, when he considers this to be advisable.

33. In all hospitals the relatives, friends, *hakims*, *baid*s and priests of the patients shall be allowed free access to them, subject to any precaution which the Residency Surgeon may, by notice posted at the entrance, declare to be necessary: and if the relatives of the sick person so desire, he may be medically treated by a *hakim* or *baid*.

34. Any friend, relative or attendant who desires to tend a sick person shall be allowed to do so, but the Residency Surgeon may limit the number of such attendants in any hospital.

35. No patient in any hospital shall be compelled to take any English medicine, should he object to do so.

36. In all hospitals separate and suitable accommodation shall be provided for females, and they shall, so far as may be possible, be treated by female agency.

37. In any house in which a case of plague has occurred, the Resident or any officer authorised by him, shall take measures for the disinfection and cleansing of the house, bedding, clothing and articles of a similar nature, the improvement, if necessary, of the sanitary condition of the premises, the provision of light or ventilation, and other sanitary precautions. The Resident, or any officer authorised by him, may further order the destruction of any building or of any bedding, clothing, or other articles, if disinfection cannot be satisfactorily effected otherwise.

38. The owner or occupier of any house in which a case of plague has occurred, shall permit the Resident or any officer authorised by him to enter his house or premises for the purpose of carrying out the provisions of the preceding Regulation.

39. When, in the opinion of the Resident or of the District Medical Officer of the Division, it appears necessary to disinfect any house, or street, or block of houses, on account of the vicinity of houses that have been infected by plague, or on account of the insanitary nature of the surroundings, such house or street or block of houses may be at once cleaned and disinfected under the supervision of the officer in charge of the disinfection work in the Division. When the disinfecting party is ready to clean any house, the inmates may be at once required to temporarily vacate the premises, while the cleaning and disinfection is being carried out. On the completion of the cleaning and disinfection, the

inmates shall immediately be allowed to re-occupy the premises, unless they be declared by the District Medical Officer to be unfit for human habitation, provided that any person who desires to disinfect his own house, a case of plague not having occurred therein, may be allowed to do so to the satisfaction of the officer in charge of the work of disinfection in the Division.

40. Whenever any building or portion of a building is found to be fastened or locked up, and the owner or occupier is not present, any officer authorised by the Resident may affix a written notice on the door, stating that such building or part of a building will be opened, and disinfection will be carried out after such time, not being less than twenty-four hours as may be prescribed in the notice. At or after the expiration of the time prescribed, the officer authorised by the Resident may break open and enter any such building or portion of a building, and may carry out the measures prescribed in Regulation 37 above.

41. Whenever any building is cleaned and disinfected, the officer in charge of the disinfection shall draw up a statement showing the description and estimated value of the articles in the building destroyed or damaged in the process of disinfection, the number of men employed on the work of disinfection, the time occupied, and the estimated value of the disinfectants used. A copy of the statement shall be given to the owner or occupier of the building, if he so requests. The whole or any part of the expenses of disinfection as shown in the said statement may subsequently be recovered from the owner or occupier and may be credited to Plague Funds.

42. Whenever a building is entered and disinfected, the owner or occupier of a house, or any relative of his, or any person authorised by him, shall be permitted to be present.

43. After a building or portion of a building has been disinfected the door may be locked and sealed, and the officer in charge of the work of disinfection may retain the key until re-occupation of the building or portion of a building is permitted.

44. If, in the opinion of the District Medical Officer, the destruction of any hut or shed is necessary to prevent the spread of the plague, any officer authorised by the Resident may summarily take measures for the destruction of such hut or shed, and the materials of which it is constructed. A record of the action taken under this Regulation shall be maintained.

45. Whenever any house is vacated under these Regulations, the owner or occupier may remove any valuable property, subject to its disinfection if necessary, or may place it in a place to be provided in each Division for the safe custody of such property. The Resident will not be responsible for the safety of any property left in a vacated house.



46. No house that has remained unoccupied since the commencement of plague, or that has been vacated or deserted by its inhabitants, shall be re-occupied except with the permission of the District Medical Officer, who may require it, before he permits occupation, to be cleaned, and, if he considers it unfit for human habitation, to be structurally altered, so as to allow the admission of air, and to improve the ventilation.

47. The President of the Municipal Commission may prohibit persons living in an infected quarter of the Civil and Military Station from going to reside in, or removing property to, another quarter of the Civil and Military Station.

48. The President of the Municipal Commission may issue orders prescribing the route which shall be taken by a funeral procession from the place of death to the graveyard, or burning ground, and the places, if any, at which such procession may halt for funeral prayers, ceremonies, or any other purpose. He may prohibit burials except at certain places, and at a certain depth.

49. The President of the Municipal Commission may also prohibit the burial or burning of the corpses of persons reasonably supposed to have died of plague in or upon ground other than ground specially assigned by him for such purpose.

50. The Resident will provide suitable conveyances for the transport to Hospital of persons suffering or suspected to be suffering from pneumonic plague, and it shall be lawful to drive or carry such conveyances through any public or private thoroughfare.

51. The President of the Municipal Commission may require that any conveyance, public or private, that has been used by any person infected with, or suspected of being infected with, plague shall be thoroughly disinfected and exposed to air and sunlight for not less than 24 hours before being again used.

52. In any part of the Civil and Military Station in which cases of plague have occurred, all grain godowns or places where grain is stored should, so far as may be possible, be rendered rat proof, and may be entered and examined at all times by the District Medical Officer, or by an officer authorised in this behalf by the Resident.

53. When a grain godown is found to be improperly ventilated, or to be in such an insanitary condition from damp, or otherwise, as to be unwholesome for the storage of grain, the owner of the grain may be required to remove the grain to a properly constructed godown. All godowns in which dead rats have been found shall be declared unwholesome and unfit for use until thoroughly disinfected. The grain found in such places may be turned over and aired, or destroyed as unfit for food, and any bags or sacks in which infected grain is found stored may be disinfected or destroyed.

54. The Resident, or any officer authorised by him, may order the disinfection, or, at his discretion, the destruction of any collection of rags in rag-pickers' houses, or rag stores, or of second-hand gunny bags if believed to have been imported from an infected area. A record shall be kept of action taken under this or the preceding Regulation.

55. The Resident, or any officer authorised by him, may, in his discretion, pay compensation to any person who has sustained loss or damage by reason of anything done under these Regulations: provided, however, that no person shall be entitled to claim any compensation whatsoever. Payment of compensation shall, so far as is possible, be paid immediately the damage or loss is caused.

56. All persons shall be bound to answer truly all such questions as may properly be asked of them, for the purpose of carrying out any of these Regulations, either regarding themselves, or regarding the members of the household or family to which they belong.

57. Any person disobeying, or contravening, or refusing to submit himself to any of these Regulations, shall be deemed to have committed an offence punishable under section 188 of the Indian Penal Code, and shall be liable on conviction to be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

[*Gazette of India*, 1906, Pt. II, p. 963.]

CODE OF CRIMINAL PROCEDURE, 1898.<sup>1</sup>

*Civil and Military Station declared to be a District for the purpose of the Code of Criminal Procedure.*

No. 3021, dated the 3rd August, 1895.—Under the provisions of section 7 of Act X of 1882 (the Code of Criminal Procedure)<sup>2</sup> as applied to the Civil and Military Station of Bangalore the Resident is pleased to declare the said Civil and Military Station to be a District for the purpose of that Act.

[*Gazette of India*, 1895, Pt. II, p. 580.]

*Rules regarding the conduct of investigations by Police Officers into causes of death.*

No. 3176, dated the 3rd August, 1897.—Under the provisions of section 174 of the Code of Criminal Procedure, 1882,<sup>2</sup> as applied to the Civil and Military Station of Bangalore, the Resident is pleased to issue

<sup>1</sup> For other notifications under the Code see Orders relating to Courts.

<sup>2</sup> See now the Code of Criminal Procedure, 1895 (Act V of 1895), as applied by Notification No. 261-L, dated the 24th April, 1929. Printed *supra*, p. 39.

the following rules for the guidance of Police Officers in the conduct of investigations under that section. These rules supersede all previous rules on the subject :—

I. When, from the information received by an officer in charge of a Police Station under section 174, he has reason to believe—

- (a) that the deceased person is a European or a Eurasian, or
- (b) that any person has been killed by the act or neglect of another, or has died under circumstances raising a reasonable suspicion that some other person has committed an offence, such officer—
  - (i) shall, when giving or sending the immediate intimation to the nearest Magistrate empowered to hold inquests, as required by the said section, state clearly such particulars as he has been able to ascertain regarding the occurrence and the nationality of the deceased,
  - (ii) and shall at the same time send a copy of the said intimation to the District Superintendent of Police, or in the absence of the District Superintendent of Police from the Civil and Military Station, to such officer as may be deputed by the District Superintendent to attend to his ordinary duties at Head-Quarters during such absence. He shall not proceed to discharge any of his further functions as described in the said section without receiving instructions to that effect from the District Superintendent or other officer aforesaid.

II. If the District Superintendent or other officer aforesaid on receiving such intimation considers that there are sufficient grounds for believing that the occurrence therein reported falls under clause (a) or (b) of Rule I, he shall either himself discharge the further functions imposed on the officer in charge of a station under section 174, or shall depute some Police Officer of not lower rank than Inspector to discharge such functions.

Provided that when the deceased is a European or a Eurasian, the Police Officer deputed shall be himself a European or a Eurasian.

III. If in any such case the District Superintendent or other officer aforesaid considers that it is essential that an inquest should be held by a Magistrate he shall, in addition to the procedure prescribed in Rule II, send a request to that effect to the Magistrate to whom the first intimation of the occurrence was sent, stating therein his reasons for making the request.

[*Gazette of India*, 1897, Pt. II, p. 950.]

*Post-mortem examinations.*

*No. 3694-3428, dated the 6th November, 1888.*—Under the provisions of section 174 of Act No. X of 1882 (The Code of Criminal Procedure)<sup>1</sup> the Resident in Mysore is pleased to authorize the Residency Surgeon and the Assistant Surgeon, Bowring Civil Hospital, Bangalore, to hold *post-mortem* examinations in cases cognizable by the police of the Civil and Military Station of Bangalore.

[*Gazette of India*, 1888, Pt. II, p. 526.]

*No. 4591, dated the 2nd November, 1897.*—Under the provisions of section 174 of the Code of Criminal Procedure, 1882,<sup>1</sup> as applied to the Civil and Military Station of Bangalore, the Resident is pleased to direct that if, in the case of an investigation by the Police into the cause of death of any soldier, camp follower or other person entitled to military medical attendance, an examination of the body of the deceased is deemed necessary under the said section, such body shall be forwarded to the Hospital which the deceased would ordinarily have attended for medical relief.

[*Gazette of India*, 1897, Pt. II, p. 1271.]

INDIAN STAMP ACT, 1899.

*Reduction and remission of duties.*

*No. 2461-I. B., dated the 23rd December, 1909.*—In exercise of the powers conferred by section 9, clause (a), of the Indian Stamp Act, 1899 (II of 1899), as applied to the Civil and Military Station of Bangalore, by the notification of the Government of India in the Foreign Department,<sup>2</sup> No. 1159-I. A., dated the 5th May, 1899, and in supersession of Foreign Department Notification No. 2544-I., dated the 5th August, 1895, and so much of Finance Department Notification No. 4045-Exc., dated the 10th July, 1908, as relates to the said Civil and Military Station, the Governor General in Council is pleased to reduce to the extent set forth in each case the duties chargeable under the said Act in respect of the instruments hereinafter described under Nos. 22 and 31 and to remit the duties so chargeable in respect of instruments of the other classes hereinafter described:—

*A.—Land Revenue.*

1. Lease or counterpart thereof executed at the time of settlement made directly by the Government with the existing occupant of land,

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<sup>1</sup> See now the Code of Criminal Procedure, 1895 (Act V of 1895), as applied by Notification No. 261-I., dated the 24th April, 1929, *supra*, p. 39.

<sup>2</sup> See now the notification cited in footnote 1.

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whether a land-holder or a tenant and whether self-cultivating or not; provided that no fine or premium is paid in consideration of the lease.

2. Instrument executed for the purpose of securing the repayment of a loan made or to be made, under the Bangalore Sanitary Improvement Loans Law, 1906, including an instrument whereby a landlord binds himself to consent to the transfer, in the event of default in such repayment, of any land, or interest in land, on the security of which any such loan is made to his tenant.

3. Document respecting the occupancy of land and the payment of land revenue therefor, executed under the Land Revenue Laws and Rules in force in the Civil and Military Station of Bangalore.

*B.—Forest Department.*

4. Agreement and security bond required to be executed, under the rules to regulate the training and appointments in the Subordinate Forest Service by a student and his surety previous to his entry into the Imperial Forest School, Dehra Dun, or the Burma Forest School, Tharrawaddy.

*C.—Medical.*

5. Security bond taken under the authority of the Government from a Medical student of the Apothecary, Assistant Surgeon, or Hospital Assistant class, and his surety, or from the surety of such a student.

*D.—Post Office and Telegraph Department.*

6. Letter which a person depositing money in a Post Office Savings Bank as security to the Government or a local authority for the due execution of an office or for the fulfilment of a contract or for any other purpose, is required to address to the Postmaster in charge of the Post Office Savings Bank agreeing to special conditions with respect to the application and withdrawal of the money deposited and the payment of interest accruing due thereon.

7. Receipt given by, or on behalf of, a depositor in a Post Office Savings Bank for a sum of money withdrawn from any such Bank.

8. Receipt endorsed by the payee on a Postal Money Order.

9. Receipt given by the addressee for a deposit exceeding twenty rupees made for the payment of a reply to a telegraphic message.

*E.—Railways.*

10. Agreement made with a Railway Company or Administration for the conveyance of goods.

11. Agreement or Indemnity Bond given to a Railway authority by a passenger permitted to travel without payment of fare, indemnifying such authority from any claim for damages in case of accident or injury.

12. Agreement or Indemnity Bond given to a Railway authority by a consignee (when the Railway receipt is not produced) in respect of the delivery of articles carried at half parcels-rates or at goods-rates, namely, fresh fish, fruits, vegetables, bazaar baskets, bread, meat, ice and other perishable articles.

13. Agreement made with a Railway Company or Administration which purports to limit the responsibility of the Company or Administration as declared by the Indian Railways Act, 1890 (IX of 1890), section 72, sub-section (1), and is in a form approved by the Governor General in Council under sub-section (2) of that section.

14. Receipt given by a Railway Company or Administration for the fare for the conveyance of passengers or goods, or both, or animals, or given to such Company or Administration for the refund of an over-charge made in respect of such fare.

15. Debiture bond of the loan of Rs20,00,000 raised by the Government of His Highness the Maharaja of Mysore for the construction of a line of railway from Bangalore to Tiptoor, where the said bond is negotiated in the Civil and Military Station of Bangalore.

*F.—Government Officers and Contractors.*

16. Agreement paper passed by a Government contractor where his security deposit is transferred to a Post Office Savings Bank.

17. Instrument in the nature of a memorandum or agreement furnished to, or made or entered into with, a Supply and Transport Officer by a contractor.

18. Agreement or declaration by which a tender made to a Supply and Transport Officer is accepted as a contract, where the deposit of the contractor as security for his contract is made in Government of India Promissory Notes or in cash.

19. Instrument in the nature of a memorandum, <sup>1</sup>[agreement or security bond] furnished to, or made or entered into with, the Ordnance Department, the Army Clothing Department, the Forest Department or the Public Works Department, by a contractor for the due performance of his contract.

20. Mortgage deed executed by an officer of Government in Civil or Military employ for securing the repayment of an advance received by him from the Government for the purpose of constructing or purchasing a dwelling-house for his own use.

21. Instrument of reconveyance of mortgaged property executed by Government in favour of an officer in Civil or Military employ on the

<sup>1</sup> Substituted by Notification No. 260-I. B., dated the 19th December, 1912. *Gazette of India*, 1912, Pt. I, p. 1036.

repayment of an advance received by him from the Government for the purpose of constructing or purchasing a dwelling-house for his own use.

22. Agreement which has been or may be entered into in compliance with the rules prescribed by the Resolution of the Government of India in the Finance Department (Military Finance), No. 2195-Accts., dated the 25th October, 1907, regulating the deposits of regimental funds with private banks or firms or such other rules for that purpose as may hereafter be in force. Duty reduced to the amount payable in respect of a bond for like amount or value or to Rs5 whichever shall be less.

*G.—Other Documents.*

23. Bill of exchange drawn in Mysore on which the full rate of stamp duty has been paid there, where the same is negotiated in the Civil and Military Station of Bangalore.

24. Cheque drawn in Mysore on which the full rate of stamp duty chargeable has been paid there, where the same is negotiated in the Civil and Military Station of Bangalore.

25. Receipt given for payment of interest on Government of India Promissory Notes.

26. Letter of authority or power of attorney executed for the sole purpose of authorising one or more of the joint holders of a Government security to give, on behalf of the other or others of them, or any one or more of them, a discharge for interest payable on such security or of any renewed security issued in lieu thereof.

27. Arrangement entered into under the Indian Income-Tax Act, 1886 (II of 1886), section 9, sub-section (2), as in force in the Civil and Military Station of Bangalore.

28. Sanad of jagir or other instrument conveying land granted to an individual by the Government otherwise than for a pecuniary consideration.

29. Instrument of exchange executed by a private person where land is given by him for public purposes in exchange for other land granted to him by the Government.

30. Transfer by endorsement of a mortgage of rates and taxes authorized by any Act for the time being in force in the Civil and Military Station of Bangalore.

31. Instrument evidencing an agreement relating to the hypothecation of moveable property where such hypothecation has been made by way of security for the repayment of money advanced or to be advanced by way of loan or of an existing or future debt. Duty reduced to the amount chargeable on a bill of exchange under Article No. 13 (b) of Schedule 1 of the Stamp Act, 1899, for the amount secured if such loan or debt is

repayable on demand or more than three months from the date of the instrument and to half the amount if such loan or debt is repayable not more than three months from the date of the instrument.

32. Instrument executed in the areas mentioned in the schedule hereto attached, in respect of which the stamp duty with which it is chargeable under the law for the time being in force in the said areas has been paid in accordance with the said law.

SCHEDULE—*Areas.*

1. British India.
2. Agency territories in Baluchistan.
3. Abu and Anadra including the road leading from the Abu Sanitarium to Abu Road Railway Station and to the Bazaar at Kharari.
4. The Cantonments of Mhow, Neemuch, Nowgong (including the Civil Lines), '[and Sehore] in the Central India Agency and of '[Baroda and Deesa<sup>2</sup>].
5. The Indore Residency Bazaars.
6. Railway lands within the limits of the Central India and Rajputana Agencies over which the Governor General in Council exercises jurisdiction.
7. The areas in the Hyderabad State in which the Governor General in Council exercises jurisdiction through the Resident at Hyderabad.
8. Berar.
9. Railway lands in the Mysore State over which the Governor General in Council exercises jurisdiction.
10. Railway lands in the Baroda State and in States in the political control of the Government of Bombay, over which jurisdiction has been ceded to the British Government and to which the provisions of the Indian Stamp Act, 1899, have been applied.
11. Railway lands in Jammu and Kashmir and in States in the Punjab over which the Governor General in Council exercises jurisdiction.

[*Gazette of India*, 1909, Pt. I, p. 1715.]

*Further remission of duties.*

No. 1351-I. B., dated the 3rd July, 1911.—In exercise of the powers conferred by section 9, clause (a), of the Indian Stamp Act, 1899 (II of 1899), as applied to the Civil and Military Station of Bangalore by the

<sup>1</sup> See Notification No. 2601-I. B., dated the 19th December, 1912. *Gazette of India*, 1912, Pt. I, p. 1636.

<sup>2</sup> Deesa is now no longer a cantonment.



notification of the Government of India in the Foreign Department, No. 2477-I. B., dated the 16th December, 1910, the Governor General in Council is pleased to remit the duty chargeable under Article 40, clause (b), of Schedule I of the said Act on mortgage deeds executed by an officer of the Government for securing the repayment of an advance received by him from the Government for the purpose of purchasing a motor car for his own use.

[*Gazette of India*, 1911, Pt. I, p. 545.]

#### *Reduction of duty on Life Insurance Policies.*

No. 1531-I. B., dated the 28th July, 1916.—In exercise of the powers conferred by section 9, clause (a) of the Indian Stamp Act, 1899 (II of 1899), as applied to the Civil and Military Station of Bangalore, the Governor General in Council is pleased to direct that the duty chargeable under Article 47-D, Schedule I, of the said Act on the classes of life insurance policies specified in column I of the Schedule hereto annexed shall be reduced to the amounts mentioned in column II of the said schedule.

#### SCHEDULE.

| Class of Policy.   | AMOUNT OF STAMP DUTY. |                                      |
|--|-----------------------|--------------------------------------|
|  | If drawn singly.      | If drawn in duplicate for each part. |
| For every sum insured not exceeding Rs. 250 .                      | Two annas .           | One anna.                            |
| For every sum insured exceeding Rs. 250 but not exceeding Rs. 500. | Four annas .          | Two annas.                           |

[*Gazette of India*, 1916, Pt. I, p. 1047.]

#### *Bangalore Stamp Rules, 1927.*

No. 173-I., dated the 24th March, 1927.—In exercise of the powers conferred by the Indian Stamp Act, 1899 (II of 1899), as applied to the Civil and Military Station of Bangalore, and in supersession of the notification of the Government of India in the Foreign and Political Department, No. 684-D., dated the 11th December, 1914, and of all notifications amending the same, the Governor General in Council is

<sup>1</sup> See now Notification No. 261-I., dated the 24th April, 1929, *supra*, p. 39.

pleased, with effect from the 1st April, 1927, to make the following rules, namely:—

*Rules under the Indian Stamp Act, 1899, as applied to the Civil and Military Station of Bangalore.*

## CHAPTER I.

### PRELIMINARY.

1. *Short title.*—These rules may be called the Bangalore Stamp Rules, 1927.

2. *Definitions.*—In these rules:—

- (a) "The Act" means the Indian Stamp Act, 1899 (II of 1899), as applied to the Civil and Military Station of Bangalore.
- (b) "Section" means a section of the Act.
- (c) "Schedule" means a schedule of the Act.

3. *Description of Stamps.*—(1) Except as otherwise provided by the Act or by these rules,—

- (i) all duties with which any instrument is chargeable shall be paid, and such payment shall be indicated on such instrument, by means of stamps issued by Government for the purposes of the Act, and
- (ii) a stamp which by any word or words on the face of it is appropriated to any particular kind of instrument, shall not be used for an instrument of any other kind.

(2) There shall be two kinds of stamps for indicating the payment of duty with which instruments are chargeable, namely:—

- (a) impressed stamps, and
- (b) adhesive stamps.

<sup>1</sup>[(3) All stamps shall be of such pattern as may from time to time be in use in the territories of Mysore and shall be only such as have been purchased from the Resident's Treasury or from a licensed vendor in the Civil and Military Station of Bangalore appointed under the orders of the Collector, or, in the case of Mysore one anna and half anna receipt stamps, from a post office also in the said Station:]

<sup>2</sup>[Provided that up to the 30th of September, 1927, the adhesive stamp or stamps used to denote the duty of one anna and the adhesive stamp used to denote the duty of half an anna may at the option of the user be a stamp or stamps of British manufacture.]

<sup>1</sup> Substituted by Notification No. 274-I., dated the 4th May, 1927. *Gazette of India*, 1927, Pt. 1, p. 475.

<sup>2</sup> Added by Notification No. 275-I., dated the 4th May, 1927. *Gazette of India*, 1927, Pt. 1, p. 475.

For validation of instruments stamped in accordance with this provision between the 1st of April, 1927 and the 3rd May, 1927. See Notification No. 273-I., dated the 4th May, 1927. *Gazette of India*, 1927, Pt. 1, p. 473.

## CHAPTER II.

### OF IMPRESSED STAMPS.

4. *Hundis*.—(1) Hundis, other than hundis which may be stamped with an adhesive stamp under section 11, shall be written on paper as follows, namely:—

(a) A hundi payable otherwise than on demand, but not at more than one year after date or sight, and for an amount not exceeding rupees thirty thousand in value, shall be written on paper on which a stamp of the proper value bearing the word 'hundi' has been engraved or embossed.

(b) A hundi for an amount exceeding rupees thirty thousand in value, or payable at more than one year after date or sight, shall be written on paper supplied for sale by the Superintendent of Stamps, Mysore, and impressed by him in the manner prescribed by rule 10.

(2) Every sheet of paper on which a hundi is written shall be not less than 8½ inches long and 5½ inches wide and no plain paper shall be joined thereto.

(3) The provisions of sub-section (1) of rule 7 shall apply in the case of hundis.

5. *Promissory notes and bills of exchange*.—A Promissory Note or Bill of Exchange shall, except as provided by section 11 or by rule 13, be written on paper on which a stamp of the proper value, with or without the word 'hundi', has been engraved or embossed.

6. *Other Instruments*.—Every other instrument chargeable with duty shall, except as provided by section 11 or by rule 13 be written on paper, on which a stamp of the proper value, not bearing the word 'hundi'; has been engraved or embossed.

7. *Provision where single sheet of paper is insufficient*.—(1) Where two or more sheets of paper, on which stamps are engraved or embossed, are used to make up the amount of duty chargeable in respect of any instrument, a portion of such instrument shall be written on each sheet so used.

(2) Where a single sheet of paper, not being paper bearing an impressed hundi stamp, is insufficient to admit of the entire instrument being written on the side of the paper which bears the stamp, so much plain paper may be subjoined thereto as may be necessary for the complete writing of such instrument:

Provided that in every such case a substantial part of the instrument shall be written on the sheet which bears the stamp before any part is written on the plain paper subjoined.

8. "*The proper Officer.*"—(1) The Collector of the Civil and Military Station of Bangalore is empowered to affix and impress or perforate labels, and shall be deemed to be "the proper officer" for the purposes of the Act and of these rules.

(2) The Resident in Mysore may empower the Superintendent of Stamps, Mysore, to perform all or any of the duties of the "proper officer".

9. *Affixing and impressing of labels by proper officer permissible in certain cases.*—Labels may be affixed and impressed or perforated by the proper officer in the case of any of the following instruments, namely:—

(i) those specified in Appendix I, and the counterparts thereof other than instruments on which the duty is less than 2 annas, and

(ii) those specified in Appendix II, when written in any European language, and accompanied, if the language is not English, by a translation in English.

Provided that the Resident in Mysore may direct that this rule shall apply, subject to any conditions which he may prescribe, to agreements or memoranda of agreements such as are specified in Appendix II, when written in any oriental language.

10. *Mode of affixing and impressing labels.*—(1) The proper officer shall, upon any instrument specified in Rule 9 being brought to him before it is executed, and upon application being made to him, affix thereto a label or labels of such value as the applicant may require and pay for, and impress or perforate such label or labels by means of a stamping machine or a perforating machine, and also stamp or write on the face of the label or labels the date of impressing or perforating the same. In the case of instruments written on parchment, the labels shall be further secured by means of metallic eyelets.

(2) On affixing any label or labels under this rule, the proper officer shall, where the duty amounts to rupees five or upwards, write on the face of the label or labels his initials, and, where the duty amounts to rupees twenty or upwards, shall also attach his usual signature to the instruments immediately under the label or labels.

11. *Certain instruments to be stamped with impressed labels.*—(1) Instruments executed out of British India or the Civil and Military Station of Bangalore, and requiring to be stamped after their receipt in the said Civil and Military Station (other than instruments which, under section 11 of rule 13, may be stamped with adhesive stamps) shall be stamped with impressed labels.

(2) Where any such instrument as aforesaid is taken to the Collector under sub-section (2) of section 18 it shall be stamped by the proper officer in the manner prescribed by rule 10.

12. *Endorsing of instruments by the Collector in certain cases.*—(1) If any instrument to which rule 9 or rule 11 applies is presented to the Collector and application made in this behalf, the Collector may, if he is of opinion that the procedure prescribed in rule 10 would cause hardship by reason of delay, certify under his hand and seal upon the instrument that so much duty as the applicant may tender to him has been paid.

(2) The Collector shall endorse a similar certificate upon all unexecuted instruments other than those described in rule 9, which are presented to him for the purpose.

(3) A certificate granted under this rule shall be deemed to be in all respects equivalent to a stamp of the value expressed in the certificate affixed or impressed in accordance with the Act or with these rules.

### CHAPTER III.

#### OF ADHESIVE STAMPS.

13. *Use of adhesive stamps on certain instruments.*—The following instruments may be stamped with adhesive stamps, namely:—

- (a) Bills of exchange payable otherwise than on demand and drawn in sets, when the amount of duty does not exceed one anna for each part of the set.
- (b) Transfers of debentures of public companies and associations.
- (c) Copies of maps and plans and printed copies when chargeable with duty under Article 24 of Schedule I.
- (d) Instruments chargeable with duty under Articles 5 (a) and (b) and 43 of Schedule I.
- (e) Instruments chargeable with stamp duty under Article 47 of Schedule I.
- (f) Instruments chargeable with stamp duty under Articles 19, 36, 37, 49 (a) (ii) and (iii) and 52 of Schedule I.

13-A. Notwithstanding anything contained in these rules, whenever the stamp duty payable under the Act in respect of any instrument cannot be paid exactly by reason of the fact that the necessary stamps are not in circulation, the amount by which the payment of duty shall on that account be in defect shall be made up by the affixing of the Mysore one-anna and half-anna receipt stamps provided that the Resident in Mysore may direct that instead of such stamps adhesive court-fee stamps shall be used for the purpose.

14. *Supply of deficient duty on transfer of share.*—When any instrument of transfer of shares in a Company or Association is written on a

sheet of paper on which a stamp of the proper value is engraved or embossed, and the value of the stamp so engraved or embossed is subsequently, in consequence of a rise in the value of such shares, found to fall short of the amount of duty chargeable under Article 62 (a) of Schedule I, one or more adhesive stamps bearing the words "Transfer Stamp, Mysore", may be used to make up the amount required.

15. *Enrolment of Advocates or Pleaders.*—An entry as an advocate, or pleader on the roll of the Hon'ble the Resident's Court shall be made on a General stamp paper of the required value.

16. *Adhesive stamp or stamps denoting duty of one-anna or half an anna.*—Except as otherwise provided by these rules, the adhesive stamps used to denote duty shall be the requisite number of Mysore one-anna and half anna receipt stamps.

17. *Special adhesive stamps to be used in certain cases.*—The following instruments, when stamped with adhesive stamps, shall be stamped with the following descriptions of such stamps, namely:—

- (a) Separate instruments of transfer of shares and transfers of debentures of Public Companies and associations: with stamps bearing the words "Transfer Stamp, Mysore".
- (b) Notarial acts: with stamps bearing the words "Notarial Stamp, Mysore".
- (c) Copies of maps or plans and printed copies certified to be true copies: with court-fee stamps.
- (b) Instruments chargeable with stamp duty under Article 5 (a) and (b) or 43 of Schedule I: with stamps bearing the words "Agreement Mysore" or "Broker's Note—Mysore", respectively.
- (c) Instruments chargeable with stamp duty under Article 47 of Schedule I: with stamps bearing the words "Insurance Mysore".

#### CHAPTER IV.

##### MISCELLANEOUS.

18. *Provision for cases in which improper description of stamp is used.*—When an instrument bears a stamp of proper amount, but of improper description, the Collector may, on payment of the duty with which the instrument is chargeable, certify by endorsement that it is duly stamped:

Provided that, if application is made within three months of the execution of the instrument, and the Collector is satisfied that the improper description of stamp was used solely on account of the difficulty

*under Acts locally applied.)*

or inconvenience of procuring one of the proper description, he may remit the further payment of duty prescribed in this rule.

19. *Evidence as to circumstances of claim to refund or renewal.*—The Collector may require any person claiming a refund or renewal under Chapter V of the Act, or his duly authorised agent, to make an oral deposition on oath or affirmation, or to file an affidavit, setting forth the circumstances under which the claim has arisen, and may also, if he thinks fit, call for the evidence of witnesses in support of the statement set forth in any such deposition or affidavit.

20. *Payment of allowances in respect of spoiled or misused stamps or on the renewal of debentures.*—When an application is made for the payment, under Chapter V of the Act, of an allowance in respect of a spoiled or misused stamp, or on the renewal of a debenture and an order is passed by the Collector sanctioning the allowance or calling for further evidence in support of the application, then, if the amount of the allowance or the stamp given in lieu thereof is not taken, or if the further evidence required is not furnished, as the case may be, by the applicant within one year of the date of such order, the application shall be struck off and the spoiled or misused stamp (if any) sent to the Superintendent of Stamps, Mysore, for destruction.

21. *Mode of cancelling original debenture on refund under section 55.*—When the Collector makes a refund under section 55, he shall cancel the original debenture by writing on or across it the word "Cancelled" and his usual signature with the date thereof.

22. *Rewards.*—On the conviction of any offender under the Act, the Collector may grant to any person, who appears to him to have contributed thereto, a reward not exceeding such sum as the Resident in Mysore may fix in this behalf.

APPENDIX I.

*List of instruments referred to in Rule 9 (i).*

|   | No. of<br>Article in<br>Schedule I. |
|---|-------------------------------------|
| 1. Administration-bond . . . . .  | 2                                   |
| 2. Affidavits . . . . .   | 4                                   |
| 3. Appointments made in execution of a power . . . . .  | 7                                   |
| 4. Articles of Association of a Company . . . . .   | 10                                  |
| 5. Articles of clerkship . . . . .  | 11                                  |
| 6. Bills of Lading . . . . .  | 14                                  |
| 7. Charter parties . . . . .  | 20                                  |
| 8. Declarations of trust . . . . .  | 64A                                 |
| 9. Instruments evidencing an agreement relating to (i) the deposit of title-deeds or instruments constituting or being evidence of the title to any property whatever (other than a marketable security) or (ii) the pawn or pledge or hypothecation of moveable property . . . . . | 6                                   |

|   | No. of<br>Article in<br>Schedule I. |
|---|-------------------------------------|
| 10. Leases partly printed or lithographed in an Oriental language, when the written matter does not exceed one-fourth of the printed matter . . . . .                                     | 35                                  |
| 11. Memoranda of Association of Companies . . . . .   | 39                                  |
| 12. Mortgage of crops . . . . .   | 41                                  |
| 13. Notes of protest by Masters of Ships . . . . .  | 44                                  |
| 14. Revocations of trust . . . . .  | 64B                                 |
| 15. Share warrants issued by a Company in accordance with section 43 of the Indian Companies Act, 1913 (VII of 1913), as applied to the Civil and Military Station of Bangalore . . . . . | 59                                  |
| 16. Warrants for goods . . . . .  | 65                                  |
| 17. Note or memorandum when the duty payable exceeds two annas . . . . .  | 43 (b)                              |

## APPENDIX II.

### List of instruments referred to in Rule 9 (ii).

|  | No. of<br>Article in<br>Schedule I. |
|--|-------------------------------------|
| 1. Agreements or memoranda of agreements which, in the opinion of the proper officer, cannot conveniently be written on sheets of paper on which the stamps are engraved or embossed . . . . .                         | 5                                   |
| 2. Instruments engrossed on parchment and written in the English style which, in the opinion of such officer, cannot conveniently be written on sheets of paper on which the stamps are engraved or embossed . . . . . | ...                                 |
| 3. Awards . . . . .  | 12                                  |
| 4. Bills of Exchange payable otherwise than on demand and drawn in the Civil and Military Station of Bangalore . . . . .   | 13 (b) and (c)                      |
| 5. Bonds . . . . .   | 15, 16, 26, 34, 56 and 57           |
| 6. Certificates of sale . . . . .  | 18                                  |
| 7. Composition deeds . . . . .   | 22                                  |
| 8. Conveyances . . . . .   | 23                                  |
| 9. Instruments imposing a further charge on mortgaged property . . . . .   | 32                                  |
| 10. Instruments of apprenticeship . . . . .  | 9                                   |
| 11. Instruments of co-partnership . . . . .  | 46A                                 |
| 12. Instruments of dissolution of partnership . . . . .  | 46B                                 |
| 13. Instruments of exchange . . . . .  | 31                                  |
| 14. Instruments of gift . . . . .  | 33                                  |
| 15. Instruments of partition . . . . .   | 45                                  |
| 16. Leases . . . . .   | 35                                  |
| 17. Letters of license . . . . .   | 33                                  |
| 18. Mortgage deeds . . . . .   | 40                                  |
| 19. Powers of Attorney . . . . .   | 45                                  |
| 20. Reconveyances of mortgaged property . . . . .  | 51                                  |
| 21. Releases . . . . .   | 55                                  |
| 22. Settlements . . . . .  | 53                                  |
| 23. Transfers of the description mentioned in Article 62, clauses (c), (d) and (e) of Schedule I . . . . .   | 62 (c), (d) and (e)                 |

[Gazette of India, 1927, Pt. I, p. 376.]



*Rules for the supply and sale of stamps.*

No. 32, dated the 1st April, 1908.—In exercise of the powers conferred by section 74 of the Indian Stamp Act, 1899 (II of 1899), as applied to the Civil and Military Station of Bangalore, by the notification of the Government of India in the Foreign Department<sup>1</sup> No. 1159-I. A., dated the 5th May, 1899, and in supersession of the rules promulgated by Notification No. 25, dated the 10th May, 1907, the Resident in Mysore is pleased to make the following rules for the supply and sale of stamps and the appointment, duties and remuneration of persons by whom such sale is to be conducted in the Civil and Military Station.

For the purposes of these rules stamps are divided into two classes, viz. :—

- (i) Adhesive stamps.
- (ii) Impressed stamps.

2. Adhesive stamps used to denote the duty of one anna or half an anna may be sold by any person. All other stamps shall be sold by *ex-officio* or licensed vendors in accordance with these rules.

3. Such officers of Government, as the Resident may appoint, shall be *ex-officio* vendors. Such persons as may be licensed by the Collector of the Civil and Military Station of Bangalore shall be licensed vendors.

4. *Ex-officio* vendors shall supply stamps to the public and to licensed vendors; and shall allow discount to the latter at the rates and under the conditions hereinafter prescribed.

5. Licensed vendors shall sell to the public such stamps as are indicated in their licenses. They shall obtain stamps from *ex-officio* vendors on payment of ready money (less the commission hereinafter prescribed), and shall keep such stock of stamps, including half-anna and one-anna unified stamps, as the Collector may consider sufficient to meet the demand likely to be made upon the licensed vendors for their supply.

6. Licenses shall be issued in Form B annexed to these rules and shall specify the name of the licensee, the description of stamps which may be sold under the license, the place of vend, the period of the currency of the license and such other matters as may be necessary and shall be signed by the Collector.

7. Any license granted under these rules may be suspended or cancelled at any time by the Resident or by the Collector.

8. Subject to rule 9 every licensed vendor who purchases stamps from an *ex-officio* vendor shall receive the same at such discount not

<sup>1</sup> See now Notification No. 261-L., dated the 24th April, 1929, *supra*, p. 39.

exceeding the following rates as may from time to time be prescribed by the Resident:—

| Description of Stamps.                             | Rate of discount<br>per cent. |
|--|-------------------------------|
| <i>Adhesive Stamps.</i>                            | <i>Rs. a. p.</i>              |
| Stamps not exceeding in value 8 annas each . . .   | 3 2 0                         |
| Exceeding 8 annas but not exceeding Rs5 each . . . | 1 9 0                         |
| „ Rs5 but not exceeding Rs50 each . . .            | 1 9 0                         |
| <i>Impressed sheets.</i>                           |                               |
| Hundi Stamps . . . . . }                           | 3 2 0                         |
| Impressed stamp paper . . . . . }                  |                               |

9. No discount shall be given if the number or value of stamps purchased at one time is less than the minimum number or value which the Resident may from time to time prescribe in this respect. Provided that no discount shall be given on account of the purchase of any stamp exceeding Rs50 in value nor on account of the purchase of half-anna and one-anna unified stamps.

10. Every licensed vendor shall at all times have exhibited in a conspicuous spot outside the place of vend, a signboard bearing the name of the vendor with the words "Licensed Vendor of Stamps" in English and in Canarese. He shall also keep in the place of vend a copy of these rules together with a translation thereof in Canarese and a copy of the Indian Stamp Act, 1899 (II of 1899), as applied to the Civil and Military Station of Bangalore, in such a manner that they can readily be seen and read by purchasers.

11. Every stamp vendor shall write on the back of every impressed stamp which he sells, a serial number, the date of sale, the name and residence of the purchaser—and if the stamp is purchased for the use of any person other than the person who tenders the money for it, the name and residence of that other person also—and the value of the stamps in full in words and his own ordinary signature. The serial number shall begin with the first stamp paper sold in the official year and end with the last.

12. An endorsement made under rule 11 shall not be altered. If an incorrect endorsement has been inadvertently made the stamp paper may be treated as spoiled.

13. Every stamp vendor shall keep a register of sales in Form A annexed to these rules, together with—

- (a) a stock book showing daily receipts in which all stamps shall be entered as received. On the last day of each month the vendor shall add up the columns and enter in one line the receipts of the whole month. Below this line he shall enter the sales of the month obtained from the register of sales.

The difference will be the opening balance of the next month.

- (b) an abstract of daily sales, the columns of which shall be totalled at the end of every month.
- (c) a monthly abstract of stamps received and sold, which shall be submitted to the Treasury Officer at the beginning of each month. In this form the sales by a licensed vendor shall be given in the lump under each designation of stamps, without reference to the transactions in each value, but an *ex-officio* vendor should distinguish the sales to licensed vendors from sales to others. Books containing these forms will be issued from the Collector's office. The above accounts shall be produced for inspection on the demand of any Government officer not below the grade of Amildar.

14. An entry shall be made in the register of sales as each sale is effected. If the vendor takes a stamp from stock for his own private use it must be treated as a sale.

15. Every stamp vendor shall, without delay, deliver any stamp which he has in his possession for sale on demand by any person legally tendering the value in current coin or currency notes. No vendor shall demand or accept for any stamp more than the actual value denoted thereon.

16. No stamp vendor shall sell any stamp, the use of which has been ordered by competent authority to be discontinued.

17. Every stamp vendor shall at any time, on the demand of the Collector or other officer duly authorised by the Resident, deliver up all stamps or any class of stamps remaining in his possession. The Collector shall, when stamps are returned into the Treasury on (1) resignation of the vendor's license, (2) revocation of license for any fault of the licensee, (3) death of the vendor, or (4) application of the vendor for leave to restore any stamps, repay the vendor or his representatives the full value of the stamps less a deduction of one anna in the rupee or a fraction of a rupee; when, however, the stamps are returned on (5) expiration of license, (6) recall of stamps by Government, or (7) revocation of license for any other cause than that mentioned in (2), they should be taken back at their full value less only any discount allowed on their sale to the licensed vendor.

18. Stamp papers will be sold at the Resident's Treasury and also at other licensed vend premises excepting single stamps of the value of more than Rs50 which may be sold, without discount, to any person by the Treasurer of the Resident's Treasury.



INDIAN PETROLEUM ACT, 1899.

*Rules to regulate the possession and transport of petroleum.*

No. 52, dated the 19th July, 1900.—In exercise of the powers conferred by section 9 of the Indian Petroleum Act, 1899 (VIII of 1899), as applied to the Civil and Military Station of Bangalore and to the railway lands in Mysore territory over which jurisdiction has been ceded to the British Government, the Hon'ble the Resident in Mysore, with the previous sanction of the Governor General in Council, is pleased to make the following rules to regulate the possession and transport of petroleum in the said Civil and Military Station and the railway lands.

All rules heretofore made by the Hon'ble the Resident in Mysore under the said Act for regulating the possession and transport of petroleum are hereby cancelled.

PART I.

PRELIMINARY.

1. *Definitions.*—In these rules,—

- (a) "Part" means a Part of these rules;
- (b) "petroleum in bulk" means petroleum in quantities exceeding five hundred gallons, contained in any one receptacle;
- (c) "installation" means a place specially prepared for the storage of petroleum in bulk or for bulk combined with non-bulk storage, and may be either a major or a minor installation;
  - (d) "major installation" means an installation—
    - (1) capable of containing an amount of oil, whether in bulk only or in combined bulk and non-bulk storage, exceeding fifty thousand gallons, or
    - (2) in which tin-making operations are carried on;
  - (e) "minor installation" means an installation—
    - (1) capable of containing an amount of oil, whether in bulk only or in combined bulk and non-bulk storage, not exceeding fifty thousand gallons, and
    - (2) in which no tin-making operations are carried on;
- (f) "storage shed" means a building used for the storage of petroleum otherwise than in bulk, and may or may not form part of an installation;
- (g) "protected works" includes buildings in which persons dwell or assemble, docks, wharves, timber yards, other petroleum stores, and any other place not forming part of an

installation, which the Resident in Mysore may by notification declare as such;

- (h) "motor-vehicle" means any vehicle or vessel propelled by a motor, in which petroleum is used as fuel, and
- (i) "owner," as applied to a motor-vehicle, includes a person who hires, or is otherwise entitled for the time being to use or work a motor vehicle.
- <sup>1</sup>[(j) District Magistrate includes, in cases where the Resident so directs, "Additional District Magistrate" of the Civil and Military Station of Bangalore.]

## PART II.

### POSSESSION AND TRANSPORT OF PETROLEUM.

#### CHAPTER I.—*Possession of Petroleum.*

1. *Smoking prohibited.*—No smoking shall be permitted inside any installation or storage shed.

2. *Supervision of operations within installation or storage shed.*—All operations within any installation or storage shed shall be conducted under the supervision of a responsible agent or supervisor.

3. *Cleanliness of installation.*—The ground in the interior of an installation shall be kept clean and free from goods of a combustible nature, vegetation and rubbish.

4. *Supply of sand or dry earth in installation.*—A supply of sand or dry earth shall always be kept in an installation for the purpose of extinguishing fire.

5. *Marking of capacity of tanks.*—The capacity in gallons of every tank in an installation shall be conspicuously marked on it, and shall be calculated at the rate of 6.25 gallons per cubic foot.

<sup>2</sup>[6. *Protection from lightning.*—Every tank or other receptacle for the storage of petroleum in bulk, except a tank or receptacle which is not of sufficient capacity to contain ten thousand gallons of petroleum and is so situated as not to be liable to cause danger in the event of the petroleum being ignited, shall be electrically connected with the earth in an efficient manner by means of not less than two separate and distinct connections placed at opposite extremities of such tank or receptacle and the roof and all metal connections of such tank or receptacle shall be in efficient electrical contact with the body of such tank or receptacle.

<sup>1</sup> Inserted by Notification No. 19, dated the 13th March, 1917. *Mysore Residency Orders, 1917, Pt. I, p. 227.*

<sup>2</sup> Substituted by Notification No. 110, dated the 11th December, 1925. *Mysore Residency Orders, 1925, Pt. I, p. 62.*

## INDIAN PETROLEUM ACT, 1899.

### *Rules to regulate the possession and transport of petroleum.*

No. 52, dated the 19th July, 1900.—In exercise of the powers conferred by section 9 of the Indian Petroleum Act, 1899 (VIII of 1899); as applied to the Civil and Military Station of Bangalore and to the railway lands in Mysore territory over which jurisdiction has been vested to the British Government, the Hon'ble the Resident in Mysore, with the previous sanction of the Governor General in Council, is pleased to make the following rules to regulate the possession and transport of petroleum in the said Civil and Military Station and the railway lands.

All rules heretofore made by the Hon'ble the Resident in Mysore under the said Act for regulating the possession and transport of petroleum are hereby cancelled.

## PART I.

### PRELIMINARY.

#### 1. *Definitions.*—In these rules,—

- (a) "Part" means a Part of these rules;
- (b) "petroleum in bulk" means petroleum in quantities exceeding five hundred gallons, contained in any one receptacle;
- (c) "installation" means a place specially prepared for the storage of petroleum in bulk or for bulk combined with non-bulk storage, and may be either a major or a minor installation;
  - (d) "major installation" means an installation—
    - (1) capable of containing an amount of oil, whether in bulk only or in combined bulk and non-bulk storage, exceeding fifty thousand gallons, or
    - (2) in which tin-making operations are carried on;
  - (e) "minor installation" means an installation—
    - (1) capable of containing an amount of oil, whether in bulk only or in combined bulk and non-bulk storage, not exceeding fifty thousand gallons, and
    - (2) in which no tin-making operations are carried on;
- (f) "storage shed" means a building used for the storage of petroleum otherwise than in bulk, and may or may not form part of an installation;
- (g) "protected works" includes buildings in which persons dwell or assemble, docks, wharves, timber yards, other petroleum stores, and any other place not forming part of an

installation, which the Resident in Mysore may by notification declare as such;

- (h) "motor-vehicle" means any vehicle or vessel propelled by a motor, in which petroleum is used as fuel, and
- (i) "owner," as applied to a motor-vehicle, includes a person who hires, or is otherwise entitled for the time being to use or work a motor vehicle.

<sup>1</sup>[(j) District Magistrate includes, in cases where the Resident so directs, "Additional District Magistrate" of the Civil and Military Station of Bangalore.]

## PART II.

### POSSESSION AND TRANSPORT OF PETROLEUM.

#### CHAPTER I.—*Possession of Petroleum.*

1. *Smoking prohibited.*—No smoking shall be permitted inside any installation or storage shed.

2. *Supervision of operations within installation or storage shed.*—All operations within any installation or storage shed shall be conducted under the supervision of a responsible agent or supervisor.

3. *Cleanliness of installation.*—The ground in the interior of an installation shall be kept clean and free from goods of a combustible nature, vegetation and rubbish.

4. *Supply of sand or dry earth in installation.*—A supply of sand or dry earth shall always be kept in an installation for the purpose of extinguishing fire.

5. *Marking of capacity of tanks.*—The capacity in gallons of every tank in an installation shall be conspicuously marked on it, and shall be calculated at the rate of 6.25 gallons per cubic foot.

<sup>2</sup>[6. *Protection from lightning.*—Every tank or other receptacle for the storage of petroleum in bulk, except a tank or receptacle which is not of sufficient capacity to contain ten thousand gallons of petroleum and is so situated as not to be liable to cause danger in the event of the petroleum being ignited, shall be electrically connected with the earth in an efficient manner by means of not less than two separate and distinct connections placed at opposite extremities of such tank or receptacle and the roof and all metal connections of such tank or receptacle shall be in efficient electrical contact with the body of such tank or receptacle.

<sup>1</sup> Inserted by Notification No. 19, dated the 13th March, 1917. *Mysore Residency Orders*, 1917, Pt. I, p. 227.

<sup>2</sup> Substituted by Notification No. 110, dated the 11th December, 1925. *Mysore Residency Orders*, 1925, Pt. I, p. 62.



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*Explanation.*—A tank or receptacle shall be deemed to be so situated as not to be liable to cause danger in the event of the petroleum being ignited, if it is not in close proximity to any other tank or receptacle, or to any building not forming part of the installation, and if it is surrounded by a wall or embankment or sunk in an excavation, the enclosure thus formed being sufficient to contain the whole contents of the tank or receptacle.

7. *Testing of connections and contacts.*—Not less than once in every year the connections and contacts referred to in rule 6 shall be inspected and tested by the licensee of the tank or receptacle in the manner prescribed by the Chief Inspector of Explosives in India and a record of such inspections and tests shall be maintained by such licensee and such record shall be produced on demand by the Chief Inspector or an Inspector of Explosives].

18. \* \* \* \* \*

9. *Time for work in installations or storage sheds.*—No installation or storage shed shall be open, and no work in any installation or storage shed shall be permitted, between sunset and sunrise: provided that in cases where electric lighting is exclusively used, night working may be permitted by the Resident in Mysore on the recommendation of the Chief Inspector of Explosives.

10. *Closure of pipes and openings.*—Where there are any pipes or openings for draining out water in any enclosure wall, arrangements shall be made whereby they can be closed, and they shall only be kept open when actually necessary for drainage purposes. The nature of such arrangements shall be shown in the specifications which are required under rule 10 of Chapter IV of this Part, to be submitted with the application for a license.

11. *Material for storage sheds.*—All storage sheds in an installation shall be built of un inflammable material.

12. *Posting up of rules and conditions.*—There shall be hung up in a conspicuous place in every installation and storage shed for which a license has been granted, copies, in English and the vernacular, of the rules contained in this Chapter, and of the conditions endorsed on the license.

## CHAPTER II.—*Transport of Petroleum.*

Petroleum may be transported into and within the Civil and Military Station of Bangalore and the railway lands in Mysore territory over which jurisdiction has been ceded to the British Government under cover of a license granted by the prescribed authority in any province in British India or in any area outside British India to which the Indian

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<sup>1</sup> Cancelled by Notification No. 110, dated the 11th December, 1925. *Mysore Residency Orders*, 1925, Pt. I, p. 62.

Petroleum Act, 1899, may be applied, provided that the conditions of such license are observed throughout the period during which the petroleum is in transit.

CHAPTER III.—GENERAL PROVISIONS RELATING TO LICENSES.

1. *Applications for licenses.*—All applications for licenses for the possession or transport of petroleum shall be made to the District Magistrate.

2. *Licensing authority.*—Licenses—

- (a) for the possession of non-dangerous petroleum, not being petroleum in bulk,
- (b) for the possession of non-dangerous petroleum in a minor installation,
- (c) for the possession or transport of dangerous petroleum in quantities not exceeding forty gallons, and
- (d) for the transport of petroleum, not being dangerous petroleum, otherwise than by a pipe line,

may be granted by the District Magistrate or by such other authority as the Resident in Mysore may from time to time by order in writing appoint in this behalf. '[Licenses for the possession and transport of dangerous petroleum in quantities exceeding 40 gallons may be granted by the Resident in Mysore or an officer appointed by the Resident in this behalf.] In all other cases the licensing authority shall be the Resident in Mysore:

Provided that in the case of renewals of existing licenses, the Resident in Mysore may delegate his powers under this rule to the District Magistrate or to such other authority as the Resident in Mysore may from time to time by an order in writing appoint in this behalf.

3. *Refusal of license.*—The licensing authority may, for reasons to be communicated to the applicant, refuse a license in any case:

Provided that the licensing authority shall not refuse a license for the possession of petroleum in a minor installation, unless such authority has first made a reference to the Chief Inspector of Explosives and obtained his concurrence.

4. *Forfeiture of license.*—Every license granted under these rules shall be liable to be forfeited for any contravention of the Act, or of any rule thereunder, or of any condition contained in such license, or for any other reason deemed by the licensing authority to be good and sufficient, and recorded by him in writing.

<sup>1</sup> Inserted by Notification No. 45, dated the 21st September, 1915. *Gazette of India, 1916, Pt. II, p. 69.*

5. *Particulars of license.*—Every license and pass granted under these rules shall be held subject to the conditions endorsed on it, and shall contain all the particulars which are contained in the form prescribed for it by these rules.

Provided that in the case of installations and storage sheds in existence before these rules were made, the license may contain in lieu of the particulars contained in the form prescribed for it by these rules, either such particulars as may have been entered in the license granted for such installation or storage shed under the rules heretofore in force, or such particulars as may in each case be approved by the Chief Inspector of Explosives.

<sup>1</sup>[Provided also that, in the case of installations or storage sheds intended for the storage of petroleum which has a flashing point above 150° F, the license may contain, in lieu of the conditions endorsed on the form prescribed for it by these rules, such conditions as may in each case be approved by the licensing authority on the recommendation of the Chief Inspector of Explosives.]

6. *Renewal of licenses.*—(1) Every application for the renewal of a license shall be made in the same manner as an application for an original license.

(2) Every such application shall be made at a date not less than thirty days before the date on which the original license expires, and, if the application is so made, the premises shall be held to be duly licensed until such date as the licensing authority issues the renewed license or until an intimation that the renewal of the license is refused has been communicated to the applicant.

(3) The same fee shall be charged for the renewal of a license as for a new license.

7. *Supply of rules to licensee.*—When any licence is granted for the possession of petroleum, a copy of the rules contained in Chapter I of this Part, printed in English and the vernacular shall be given, together with the license to the licensee.

8. *Procedure on death or disability of licensee.*—Where a licensee dies or becomes insolvent or becomes mentally incapable or otherwise disabled, the person carrying on the business of such licensee shall not be liable to any penalty or forfeiture under the Act or these rules for acting under the license during such time as may reasonably be necessary to allow him to make an application for a new license in his own name for the unexpired portion of the original license.

9. *Loss of license.*—Where a license granted under these rules is lost or accidentally destroyed, a duplicate may be granted.

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<sup>1</sup> Inserted by Notification No. 73, dated the 20th September, 1910. *Gazette of India*, 1910, Pt. II, p. 1496.

CHAPTER IV.—LICENSES FOR THE POSSESSION OF PETROLEUM.

1. *Continuance of license.*—Every license for the possession of petroleum shall remain in force until the 31st of December next following the date of issue of the license.

2. *Petroleum not in bulk, other than dangerous petroleum.*—Licenses for the possession of petroleum, not being dangerous petroleum, otherwise than in bulk, may be granted in Form A.

3. *Dangerous petroleum not in bulk.*—Licenses for the possession of dangerous petroleum not in bulk, in quantity exceeding forty gallons may be granted in Form B.

4. *Dangerous petroleum not exceeding forty gallons.*—Licenses for the possession of dangerous petroleum in quantity not exceeding forty gallons may be granted in Form C.

5. *Transfer of certain licenses.*—(1) The holder of a license in Form A, B or C, may, at any time before the expiry of the license, apply for permission to transfer his license to another person.

(2) Such application shall be made to the District Magistrate, who shall, if he approves of the transfer enter upon the license, under his signature, an endorsement to the effect that the license had been transferred to the person named.

(3) A fee of Re. 1 shall be charged on each such application.

(4) The person to whom the license is so transferred shall enjoy the same powers and be subject to the same obligations under the license as the original holder.

6. *Possession of dangerous petroleum in receptacles containing more than sixty-five gallons each.*—Special licenses for the possession of dangerous petroleum in receptacles containing more than '[sixty-five] gallons' may be granted on such terms as the Resident in Mysore may prescribe on the recommendation of the Chief Inspector of Explosives.

7. *Storage in major installations.*—Licenses for the possession of any stated quantity of petroleum, not being dangerous petroleum in major installations, in accordance with such specifications and plans as the Resident in Mysore, on the recommendation of the Chief Inspector of Explosives, may from time to time, by general or special order, approve, may be granted in Form D.

8. *Storage in minor installations.*—Licenses for the possession of any stated quantity of petroleum, not being dangerous petroleum, in minor

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<sup>1</sup> Substituted by Notification No. 24, dated the 1st May, 1916. *Mysore Residency Orders*, 1916, Pt. I, p. 176.

<sup>2</sup> Omitted by Notification No. 10, dated the 21st January, 1926. *Mysore Residency Orders*, 1926, Pt. I, p. 74.

installations, in accordance with such specifications and plans as the Chief Inspector of Explosives may from time to time, by general or special order, approve, may be granted in Form E.

9. *Dangerous petroleum for use on motor-vehicles.*—(1) Licenses in Form F may be granted free of charge for the possession of dangerous petroleum for use on motor-vehicles and for its transport thereon, for the purpose of use therein.

(2) The provisions of the ordinary rules relating to the possession of dangerous petroleum shall regulate the possession of dangerous petroleum for use on motor-vehicles, save in so far as these provisions are varied by the conditions of the license.

10. *Particulars to be given in applications for licenses for the possession of petroleum other than licenses under rules 4 and 9.*—Every application for a license for the possession of petroleum other than licenses under rules 4 and 9 of this Chapter shall specify:—

- (a) the description and quantity of petroleum which the applicant desires to keep,
- (b) the name and position of the premises intended to be used for the storage of such petroleum and whether the said premises fulfil the conditions prescribed by Form A, Form B, Form D, or Form E, as the case may be.
- (c) the amount of petroleum, if any, already licensed to be kept on the same premises.

If the application be made for the first time in respect of any major or minor installation or if the quantity of petroleum to be stored in such an installation is to be increased, the application shall be accompanied by specifications and plans drawn to scale.

11. *Certificate of safety to be furnished.*—Before petroleum is stored in any major or minor installation for which a license has been granted for the first time, a certificate shall be furnished to the licensing authority to the effect that all enclosure walls and embankments required to be constructed under the conditions of the license are sufficient to ensure safety. The certificate shall be signed by an engineer accepted as qualified for the purpose by the licensing authority. When the license is not granted for the first time but is granted for an increased quantity of petroleum, a certificate shall similarly be furnished to the licensing authority before any quantity of petroleum exceeding the amount which was admissible under the former license is stored in the installation.

12. *Particulars to be given in applications for licenses under rules 4 and 9.*—Every application for a license under rules 4 and 9 of this Chapter shall specify:—

- (a) whether the applicant is the owner of a motor-vehicle,

- (b) the amount of dangerous petroleum the applicant desires to store,
- (c) the exact position and nature of the premises intended to be used for the storage of such dangerous petroleum and whether the said premises fulfil the conditions prescribed by Form C or Form F, as the case may be.

CHAPTER V.—LICENCES FOR THE TRANSPORT OF PETROLEUM.

I. *General licences for the transport of non-dangerous petroleum.*—<sup>1</sup>[Save as provided in rule 7 of this chapter every licence for the transport of petroleum shall remain in force until the 31st December next following the date of issue of the licence.]

\*[NOTE.—Petroleum may be transported into and within the Civil and Military Station of Bangalore and the railway lands in Mysore territory over which jurisdiction has been ceded to the British Government under cover of a license granted by the prescribed authority in any province in British India or in any area outside British India to which the Indian Petroleum Act, 1899, may be applied, provided that the conditions of such license are observed throughout the period during which the petroleum is in transit.]

<sup>1</sup>[1-A. General licences for the transport of petroleum, other than dangerous petroleum may be granted in Form G.]

2. *General licences for the transport of dangerous petroleum.*—General licences for the transport of dangerous petroleum may be granted  
\* \* \* \* \* in Form H.

3. *Effect of the general license.*—Licenses granted under rules <sup>1</sup>[1-A] 2 and 9 of this Chapter may authorise the holders to transport petroleum without restriction as to destination or total quantity.

4. *Pass for transport of petroleum.*—The holder of a general license granted under rules <sup>1</sup>[1-A] 2 or 9 of this Chapter shall, with each consignment of petroleum conveyed under cover of his license, issue to the person who takes charge of the petroleum for the purpose of transporting it, a numbered pass in Form I.

<sup>2</sup>[4-A. *Issue of pass for the transport of petroleum by an authorised Agent.*—(1) The holder of a general license granted under rules <sup>1</sup>[1-A] or 2 of this Chapter, may authorise his agent in writing by a general authority to issue passes in Form I for the transport of petroleum in respect solely of consignments, or parts thereof, which have been conveyed under a pass issued under rule 4 of this Chapter. Such general

\* Reprinted from Chapter II above.

<sup>1</sup> Substituted and inserted by Notification No. 61, dated the 14th July, 1925. *Mysore Residency Orders*, 1925. Pt. I, p. 33.

<sup>2</sup> Omitted by ditto.

<sup>3</sup> Inserted by Notification No. 53, dated the 15th November, 1915. *Mysore Residency Orders*, 1915. Pt. II, p. 91.

authority shall be given in Form I-A., copies of which may be obtained by the licensee from the licensing authority.

(2) The holder of a general license shall, on granting such written authority to an Agent, at the same time forward a duplicate copy of the authority to the District Magistrate for information, and shall also deliver up the original to the District Magistrate when the authority is cancelled.]

5. *Special licenses for the transport of petroleum other than dangerous petroleum.*—Special licenses may be granted for the transport of petroleum, other than dangerous petroleum in quantities exceeding five hundred gallons, in Form J.

6. *Special licenses for the transport of dangerous petroleum.*—Special licenses may be granted for the transport of dangerous petroleum in Form K.

7. *Effect of special license.*—A special license granted under rules 5 and 6 shall only cover the transport of the particular consignment entered in the license, and shall be valid for such period as may be entered in it.

8. *Particulars to be given in applications for special licenses.*—Applications for special licenses for the transport of petroleum by rail, or by road, or by both shall specify the description and quantity of petroleum to be transported, and the places from and to which, respectively, the petroleum is to be conveyed, and shall describe the receptacles in which it is to be contained.

9. *Transport of dangerous petroleum by motorists otherwise than on a motor-vehicle.*—General licenses in Form L to transport dangerous petroleum up to a maximum of sixty gallons at a time, otherwise than on a motor-vehicle, may be granted <sup>1</sup> \* \* \* \* \* to owners of motor-vehicles holding licenses under rule 9, sub-rule (1) of Chapter IV of this Part, to possess petroleum and use or transport it on a motor-vehicle.

#### CHAPTER VI.—FEES.

1. *Method of levying fees.*—(1) Where the proceeds of fees leviable for licenses under these rules have been assigned by the Resident in Mysore to any local authority, the fees shall be levied in such manner as the local authority may from time to time direct.

(2) In all other cases the fees shall be paid in cash on receipt of a notice from the licensing authority that a license will be granted.

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<sup>1</sup> Omitted by Notification No. 61, dated the 14th July, 1925. *Mysore Residency Orders, 1926*, Pt. I, p. 13.

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under Act<sup>s</sup> locally applied.)

(3) The court fee stamp of the value of eight annas representing the fee chargeable under Schedule II, Article I (b) of the Court Fees Act on an application for a license presented to a Magistrate should be attached to the application.

2. *Fees for licenses for possession of petroleum.*—The following fees shall be charged for licenses for the possession of petroleum, namely:—

*Non-dangerous petroleum.*

|   | Rs. |   |
|---|-----|---|
| (a) When the quantity to be stored exceeds five hundred but does not exceed one thousand gallons.             | 12  |   |
| (b) When the quantity to be stored exceeds one thousand but does not exceed five thousand gallons.            | 12  | for the first one thousand gallons plus Rs. 2 for every additional one thousand gallons or part thereof.  |
| (c) When the quantity to be stored exceeds five thousand gallons, but does not exceed fifty thousand gallons. | 20  | for the first five thousand gallons plus Rs. 4 for every additional one thousand gallons or part thereof. |
| (d) When the quantity to be stored exceeds fifty thousand gallons.  | 250 |   |

*Dangerous petroleum.*

|   | Rs. |   |
|---|-----|---|
| (e) When the quantity to be stored does not exceed forty gallons.                                   | 3   |   |
| (f) When the quantity to be stored exceeds forty gallons, but does not exceed five hundred gallons. | 8   |   |
| (g) When the quantity to be stored exceeds five hundred gallons.                                    |     | the same fees as those laid down for non-dangerous petroleum. |

3. *Fees for licenses for transport of petroleum.*—The following fees shall be charged for licenses for the transport of petroleum.

*Non-dangerous petroleum.*

|   | Rs. |
|---|-----|
| <i>Special license—</i>   |     |
| (a) When the quantity to be transported exceeds five hundred, but does not exceed five thousand gallons . . . . . | 1   |
| (b) For every additional five thousand gallons or part of five thousand gallons . . . . .                         | 1   |
| <i>General license for the transport of non-dangerous petroleum by rail or by road . . . . .</i>                  | 100 |

<sup>2</sup> Deleted by Notification No. 61, dated the 14th July, 1925. *Mysore Residency Orders*, 1925, Pt. I, p. 13.



*Dangerous petroleum.*

|   | Rs.  |
|---|--|
| <i>Special license—</i>   |  |
| (i) When the quantity to be transported does not exceed forty gallons.  | 2  |
| (ii) When the quantity to be transported exceeds forty gallons, but does not exceed four hundred and eighty gallons.  | 2 for the first 40 gallons plus 8 annas for every additional forty gallons or part thereof.                                      |
| (iii) When the quantity to be transported exceeds four hundred and eighty gallons.  | 8 for the first four hundred and eighty gallons plus Rs. 2 for every additional four hundred and eighty gallons or part thereof. |
| <i>General license for the transport of dangerous petroleum by the owner of a motor-vehicle by road or rail up to a maximum of sixty gallons at a time.</i> | 5  |
| <i>General license for the transport of dangerous petroleum by dealers by rail or road.</i>   | 50   |

4. *Fee for license granted for unexpired portion of an original license.*—A fee of one rupee shall be charged for a new license for the unexpired portion of an original license granted to any person applying for the same in accordance with the provisions of rule 8 of Chapter III of this Part.

5. *Fee for duplicate licenses.*—A fee of eight annas shall be charged for a duplicate of a license granted in accordance with the provisions of rule 9 of Chapter III of this Part.

FORM A.

(Rule 2 of Chapter IV of Part II.)

*License to possess petroleum (other than dangerous petroleum), otherwise than in bulk.*

|   |                              |
|---|------------------------------|
| No.   | Fee, Rs.                     |
| License is hereby granted to                      | for the storage              |
| in the storage shed described below of            | gallons of petroleum         |
| subject to the rules for the storage of petroleum | published in Notification No |
| , dated   | , and to the further         |
| conditions on the back of this license.           |                              |

*District Magistrate or authority  
appointed under rule 2 of Chapter III of Part II..*

The

19 .

(Description of the storage shed above referred to.)

*Endorsement on Form A.*

CONDITIONS OF THE LICENSE.

1. If the licensing officer calls on the holder of a license, by a notice in writing, to execute any repairs of the storage shed, which may, in the opinion of such officer, be necessary for the safety of the shed, the holder of the license shall execute the repairs within such period, not being less than one month from the date of receipt of the notice, as may be fixed by the notice.

2. The storage shed shall be constructed of masonry or other unflammable material with terraced, tiled or iron roofs and with tiled or paved or earthen floors, but the beams, rafters, columns, windows and doors may be of wood.

3. Either the doorways and other openings of the storage shed shall be built up to a height of two feet above the level of the road or street, or the floor sunk to a depth of two feet below the level of the road or street, so that the petroleum cannot flow out from the building in case of its escape from the receptacle in which it is contained, or the building itself shall be surrounded with a masonry wall or embankment or both, not less than two feet high. When the quantity of petroleum stored exceeds 16,000 gallons, the height or depth shall be three feet.

A combination of these methods is permissible.

4. [The following distances round the building shall be kept clear of protected works:—]

| Distances to be kept clear round buildings or enclosure walls. | Number of gallons to be stored. |
|--|---------------------------------|
| None . . . . .   | 5,000 and under.                |
| 20 feet . . . . .  | Over 5,000 and up to 50,000.    |
| 30 „ . . . . .   | Unlimited.                      |

5. No light, except a light of such strength, position and character as is not liable to ignite any inflammable vapour, nor fire of any description, shall be permitted within the storage shed.

FORM B.

(Rule 3 of Chapter IV of Part II.)

*License to possess dangerous petroleum, otherwise than in bulk, in quantity exceeding forty gallons.*

No.

Fee, Rs.

License is hereby granted to \_\_\_\_\_  
for the storage, in the storage shed described below, of \_\_\_\_\_ gallons  
of dangerous petroleum subject to the rules for the storage of petroleum

<sup>1</sup> Amended by Notification No. 63, dated the 11th September, 1912. *Gazette of India*, 1912, Pt. II, p. 1512.

published in Notification No. , dated , and the further conditions on the back of this license.

*First Assistant Resident*<sup>1</sup> [or  
an Officer appointed by the Resident in this behalf.]

The

19 .

(Description of the storage shed above referred to.)

### Endorsement on Form B.

#### CONDITIONS OF LICENSE.

1. If the licensing officer call upon the holder of a license, by notice in writing, to execute any repairs of the storage shed, which may, in the opinion of such officer, be necessary for the safety of the shed, the holder of the license shall execute the repairs within such period, not being less than one month from the date of receipt of the notice, as may be fixed by the notice.

2. The license-holder is prohibited from delivering any quantity of dangerous petroleum exceeding three gallons to any one who has not a license under section 5 or section 6 of the Act or any less quantity of such petroleum, except in accordance with the conditions of the proviso to section 6 of the Act as to the vessels in which the petroleum must be contained.

3. The petroleum shall be stored in gas-tight tinned or galvanized sheet iron, steel or lead plate receptacles containing each not more than [sixty-five] gallons and fitted with well-made filling holes and well-fitting screw plugs, or fitted with screw cap or other cap with metal airtight undercap. Such receptacles shall be packed in strong wooden cases, the thickness of the wood to be not less than three-eighths of an inch; provided that wood cases shall not be necessary when the receptacles are made of tinned or galvanized sheet iron or steel, and have the following thickness of metal:—

|   |               |
|---|---------------|
|   | Not less than |
| (1) When the capacity does not exceed two gallons                               | 27 B. W. G.   |
| (2) When the capacity exceeds two gallons, but does not exceed four gallons     | 22 B. W. G.   |
| (3) When the capacity exceeds four gallons, but does not exceed eight gallons   | 20 B. W. G.   |
| (4) When the capacity exceeds eight gallons, but does not exceed twenty gallons | 16 B. W. G.   |
| (5) When the capacity exceeds twenty but does not exceed thirty gallons         | 14 B. W. G.   |
| (6) When the capacity exceeds thirty but does not exceed forty gallons          | 12 B. W. G.   |
| *(7) When the capacity exceeds forty but does not exceed sixty-five gallons     | 10 B. W. G.]  |

<sup>1</sup> Inserted by Notification No. 45, dated the 21st September, 1915. *Gazette of India*, 1915, Pt. II, p. 60.

<sup>2</sup> Substituted by Notification No. 24, dated the 1st May, 1910. *Mysore Residency Orders*, 1916, Pt. I, p. 176.

<sup>3</sup> Added by ditto.

4. An air-space of at least one-tenth of its capacity shall be left in each receptacle at the time of filling.

5. The receptacles shall be so substantially constructed and secured as not to be liable, except under circumstances of grave negligence or extraordinary accident, to be broken or become defective, leaky or insecure.

6. The receptacles shall be labelled in accordance with the provisions of section 7 of the Act.

7. Any receptacle, before being repaired, shall be cleared of all dangerous petroleum and of all dangerous vapours arising from the same.

8. The storage shed shall be constructed of masonry or other unflammable material with terraced, tiled or iron roofs and with tiled or paved or earthen floors.

9. Either the doorways and other openings of the storage shed shall be built up to a height of two feet above the level of the road or street, or the floor sunk to a depth of two feet below the level of the road or street, so that the petroleum cannot flow out from the building in case of its escape from the receptacle in which it is contained, or the building itself shall be surrounded with a masonry wall or embankment or both, not less than two feet high. When the quantity of petroleum stored exceeds 16,000 gallons, the height or depth shall be three feet.

A combination of these methods is permissible.

10. All ventilating openings in the storage shed shall be protected by strong wire gauze.

11. No light, except a light of such strength, position and character as is not liable to ignite any inflammable vapour, nor fire of any description, shall be permitted at any time within the storage shed.

12. All due precautions shall be taken for the prevention of unauthorised persons having access to any dangerous petroleum kept, and to the vessels containing or having actually contained the same.

13. Every person managing or employed on or in connection with the storage shed shall abstain from any act whatever which tends to cause fire or explosion and which is not reasonably necessary, and shall prevent any other person from doing such act.

14. The drum or other receptacle containing dangerous petroleum shall only be opened on the licensed premises at or immediately adjoining the storage shed and for the time necessary for drawing off the petroleum and during such drawing off every reasonable precaution shall be adopted for preventing the escape of dangerous petroleum or the vapour therefrom.

15. The following distances shall be kept clear from protected works round the storage shed :—

| Quantity to be stored. |                    | Distances to be kept clear. |          |
|------------------------|--------------------|-----------------------------|----------|
| Not exceeding          | 500 gallons        | .                           | 20 feet. |
| From                   | 500 to 1,000 "     | .                           | 25 "     |
| "                      | 1,000 to 5,000 "   | .                           | 30 "     |
| "                      | 5,000 to 15,000 "  | .                           | 40 "     |
| "                      | 15,000 to 25,000 " | .                           | 50 "     |
| "                      | 25,000 to 35,000 " | .                           | 60 "     |
| "                      | 35,000 to 50,000 " | .                           | 70 "     |
| "                      | 50,000 and over "  | .                           | 100 "    |

Provided that these distances may be reduced by the [licensing authority] on the recommendation of the Chief Inspector of Explosives in cases where screen walls are provided, or other special precautions taken, or where there are special circumstances that in the opinion of the Chief Inspector of Explosives warrant the reduction.

16. Provided that when the quantity to be possessed does not exceed 60 gallons, the provisions of conditions 8, 9 and 15 shall not apply, but the licensee shall observe the following conditions :—

- (i) The storage shed in which the dangerous petroleum is stored shall be well ventilated and constructed of unflammable material provided, however, that the doors and windows may be of wood.
- (ii) Where a storage shed forms part of or is attached to another building and when the intervening floor or partition is of an unsubstantial or inflammable character or has openings therein, the whole of such building shall be deemed to be the storage shed and no portion of such storage shed shall be used as a dwelling house or as a place where persons assemble. The storage shed shall have a separate entrance from the open air, distinct from any building or dwelling in which persons assemble.

17. The storage shed shall be liable to inspection by an officer not being of lower rank than an Inspector of Police authorised by the Resident in Mysore in this behalf.

#### FORM C.

(Rule 4 of Chapter IV of Part II.)

*License to possess dangerous petroleum in quantity not exceeding forty gallons.*

No.

Fee, Rs. 3.

License is hereby granted to  
in the storage shed described below, of

for the storage,  
gallons of dangerous

<sup>1</sup> Substituted by Notification No. 45, dated the 1st September, 1915. *Gazette of India*, 1915, Pt. II, p. 69.

petroleum, subject to the rules for the storage of petroleum published in Notification No. , dated , and to the further conditions on the back of this license.

*District Magistrate or authority  
appointed under rule 2 of Chapter III of Part II.*

*The*

*19*

(Description of the storage shed above referred to.)

*Endorsement on Form C.*

CONDITIONS OF LICENSE.

1. If the licensing officer calls upon the holder of a license, by notice in writing to execute any repairs of the storage shed which may, in the opinion of such officer, be necessary for the safety of the shed, the holder of the license shall execute the repairs within such period, not being less than one month from the date of receipt of the notice, as may be fixed by the notice.

2. The license-holder is prohibited from delivering any quantity of dangerous petroleum exceeding three gallons to any one who has not a license under section 5 or section 6 of the Act, or any less quantity of such petroleum, except in accordance with the conditions of the proviso to section 6 of the Act, as to the vessels in which the petroleum must be contained.

3. The petroleum shall be stored in gas-tight tinned or galvanized sheet iron, steel or lead plate receptacles containing each not more than ten gallons and fitted with well-made filling holes and well-fitting screw plugs, or fitted with screw cap or other cap with metal air-tight under-cap. Such receptacles shall be packed in strong wooden cases, the thickness of the wood to be not less than three-eighths of an inch; provided that wood cases shall not be necessary when the receptacles are made of tinned or galvanized sheet iron or steel, and have the following thickness of metal:—

|  | Not less than |
|--|---------------|
| (1) When the capacity does not exceed two gallons                            | 27 B. W. G.   |
| (2) When the capacity exceeds two gallons but does not exceed four gallons   | 22 B. W. G.   |
| (3) When the capacity exceeds four gallons but does not exceed eight gallons | 20 B. W. G.   |
| (4) When the capacity exceeds eight gallons                                  | 16 B. W. G.   |

4. An air-space of at least one-tenth of its capacity shall be left in each receptacle at the time of filling.

5. Receptacles shall be so substantially constructed and secured as not to be liable, except under circumstances of grave negligence or extraordinary accident to be broken or become defective, leaky or insecure.

6. The receptacles shall be labelled in accordance with the provisions of section 7 of the Act.

7. Any receptacle, before being repaired, shall be cleared of all dangerous petroleum and of all dangerous vapours arising from the same.

8. The storage shed in which the dangerous petroleum is stored shall be well ventilated and constructed of un inflammable material; provided, however, that the doors and windows may be of wood.

9. All ventilating openings in the storage shed shall be protected by strong wire gauze.

10. No light, except a light of such strength, position and character as is not liable to ignite any inflammable vapour, nor fire of any description, shall be permitted at any time within the storage shed.

11. All due precautions shall be taken for the prevention of unauthorised persons having access to any dangerous petroleum kept, and to the vessels containing or having actually contained the same.

12. Every person managing, or employed on, or in connection with, the storage shed shall abstain from any act whatever which tends to cause fire or explosion and which is not reasonably necessary and shall prevent any other person from doing such act.

13. The drum or other receptacle containing dangerous petroleum shall only be opened on the licensed premises at or immediately adjoining the storage shed and for the time necessary for drawing off the petroleum, and during such drawing off every reasonable precaution shall be adopted for preventing the escape of dangerous petroleum or the vapour therefrom.

14. Where a storage shed forms part of, or is attached to, another building, and where the intervening floor or partition is of an unsubstantial or inflammable character or has openings therein, the whole of such building shall be deemed to be the storage shed and no portion of such storage shed shall be used as a dwelling or as a place where persons assemble. The storage shed shall have a separate entrance from the open air, distinct from any building or dwelling in which persons assemble.

15. The storage shed shall be liable to inspection by an officer not being of lower rank than an Inspector of Police, authorized by the Resident in Mysore in this behalf.

#### FORM D.

(Rule 7 of Chapter IV of Part II.)

*License to possess petroleum not being dangerous petroleum in a major installation.*

No.

Fee, Rs.

License is hereby granted to  
in the place described below, of

for the storage  
gallons of petroleum

not being dangerous petroleum, subject to the rules for the storage of petroleum published in Notification No. . dated , and to the further conditions on the back of this license.

First Assistant Resident.

The

10 .

(Description of the place above referred to.)

*Endorsement on Form D.*

CONDITIONS OF LICENSE.

1. Each tank shall either be separately surrounded by a wall or embankment of substantial construction, or shall be partially sunk in an excavation. The inclosure thus formed shall be of dimensions sufficient to contain 10 per cent. more oil than the tank is capable of containing, and shall be so constructed as to prevent the escape therefrom of any oil in the form of liquid, whether under the action of fire or otherwise. Settling or measuring tanks\* may be situated within the wall or excavation, but otherwise the space enclosed by such wall or excavation, and not occupied by the tank, shall be kept entirely clear and unoccupied.

2. In the case of all storage sheds within the installation either the doorways and other openings of the building shall be built up to a height of three feet above the level of the ground outside it, or the floor shall be sunk to a depth of three feet below the level of the ground, or the building itself shall be surrounded with a masonry wall or embankment or both, not less than three feet high.

3. The height of any storage tank shall not be more than three-fifths of its diameter.

4. A distance of not less than one hundred feet shall be kept clear between one storage tank and another or between a storage tank and a storage shed, the distance being measured between the nearest points of the perimeters of the storage tanks or storage sheds, as the case may be.

5. A distance of not less than one hundred and fifty feet shall be kept clear between any storage tank or shed and any protected work.

6. The distances specified in conditions 4 and 5 may be reduced by the Resident in Mysore on the recommendation of the Chief Inspector of Explosives in cases where screen walls are provided or other special precautions taken or where there are special circumstances that, in the opinion of the Chief Inspector of Explosives, warrant the reduction.

7. No fire or lights other than those necessary for soldering purposes, shall be permitted within the installation except in the office, living quarters, engine room, boiler house and smithy.

\* These tanks shall not have a greater capacity than 33,000 gallons.



FORM E.

(Rule 8 of Chapter IV of Part II.)

*License to possess petroleum not being dangerous petroleum in a minor  
installation.*

No.

Fee, Rs.

License is hereby granted to \_\_\_\_\_ for the storage,  
in the place described below, of \_\_\_\_\_ gallons of petroleum, not being  
dangerous petroleum, subject to the rules for the storage of petroleum  
published in Notification No. \_\_\_\_\_, dated \_\_\_\_\_,  
and to the further conditions on the back of this license.

*District Magistrate or authority appointed under  
rule 2 of Chapter III of Part II.*

The

19 .

(Description of the place referred to.)

*Endorsement on Form E.*

CONDITIONS OF LICENSE.

1. Every tank of which the capacity exceeds fifteen thousand gallons shall either be separately surrounded by a wall or embankment of substantial construction, or shall be sunk in an excavation. The enclosure thus formed shall be of dimensions sufficient to contain the total quantity of oil capable of being contained in the tank, and shall be so constructed as to prevent the escape therefrom of any oil in the form of liquid, whether under the action of fire or otherwise. The space enclosed by such wall or excavation and not occupied by the tanks, shall be kept entirely clear and unoccupied.

2. The distance to be kept clear between a tank and the walls or embankments which surround it shall be measuring from the ground level—

(a) for horizontal tanks, not less than one-third the height of the tank;

(b) for perpendicular tanks, not less than one-half the height of the tank.

3. The height of walls or embankments surrounding the installation shall be not less than two feet six inches from the ground level.

4. The following distances shall be kept clear between protected works not forming part of the installation and the enclosure walls or embankments:—

| Where the number of gallons stored is-- | Distance to be kept clear. |
|---|----------------------------|
| 5,000 and under . . . . .               | Not less than 15 feet.     |
| Over 5,000 and up to 20,000 . . . . .   | Not less than 20 feet.     |
| Over 20,000 and up to 50,000 . . . . .  | Not less than 30 feet.     |

Provided that these distances may be reduced by the Resident in Mysore on the recommendation of the Chief Inspector of Explosives in cases where screen walls are provided or other special precautions taken, or where there are special circumstances which, in the opinion of the Chief Inspector of Explosives, warrant the reduction.

5. Soldering shall only be permitted in a separate room or building placed as far from the tanks as can be conveniently arranged, in which no storage or filling shall be permitted. No more tins shall be allowed in the soldering room at any one time than are necessary for expeditious working.

6. No fire or lights, except those necessary in the soldering room and watchman's house, shall be permitted.

7. If the installation contains tanks of which the capacity does not exceed fifteen thousand gallons, either—

(a) each tank shall be separately enclosed in the manner prescribed in condition I, or

(b) the entire installation shall be surrounded by a masonry wall or embankment or a combination of these forming an enclosure of dimensions sufficient to contain, and prevent the overflow of, all the oil that may be stored at any one time within such walls or embankments.

8. In the case of all storage sheds within an installation, which is not surrounded by a masonry wall or embankment as provided in clause (b) of condition 7, either the doorways and other openings of the building shall be built up to a height of two feet above the level of the ground outside it or the floor sunk to a depth of two feet below the level of the ground, so that the petroleum cannot flow out from the building in case of its escape from the receptacle in which it is contained, or the building itself shall be surrounded with a masonry wall or embankment or both, not less than two feet high. When the quantity of petroleum stored exceeds 16,000 gallons, the height or depth shall be three feet.

A combination of these methods is permissible.

#### FORM F.

(Rule 9 of Chapter IV of Part II.)

*Special license to possess and transport dangerous petroleum for owners of motor-vehicles.*

No.

Free of charge.

License is hereby granted to  
owner (or hirer) of a motor-vehicle (or vehicles) for the possession of  
gallons of dangerous petroleum for use therein at\*

\* Situation and description of storage shed above referred to.

and for its transport on the said motor-vehicle (or vehicles) for the purpose of use therein, subject to the rules for the possession and transport of dangerous petroleum published in Notification No. , dated , and to the conditions at the back of this license.

When the quantity exceeds 40 gallons

*First Assistant Resident* <sup>1</sup>[*or an Officer appointed by the Resident in this behalf.*]

When the quantity does not exceed 40 gallons

*District Magistrate or authority appointed under rule 2 of Chapter III of Part II.*

*The*

*19 .*

*. Endorsement on Form F.*

**CONDITIONS OF THE LICENSE.**

1. <sup>2</sup>[When not carried in a receptacle forming part of a motor-vehicle], the dangerous petroleum shall not be kept, used or transported except in gas-tight tinned or galvanized sheet iron, steel or lead plate drums or receptacles containing each not more than 4 gallons and fitted with well-made filling holes and well-fitting screw plugs or fitted with screw cap or other cap with metal air-tight undercap. Such drums or receptacles shall be packed in strong wooden cases, the thickness of the wood to be not less than three-eighths of an inch. Provided that wood cases shall not be necessary when the drums or receptacles are made of tinned or galvanized sheet iron or steel, and have the following thickness of metal:—

|   |               |
|---|---------------|
|   | Not less than |
| (1) When the capacity does not exceed 2 gallons . . . | 27 B. W. G.   |
| (2) When the capacity exceeds 2 gallons . . .         | 22 B. W. G.   |

2. The drums or receptacles shall be so substantially constructed and secured as not to be liable, except under circumstances of gross negligence or extraordinary accident, to be broken or become defective, leaky or insecure.

3. Every such vessel, <sup>3</sup> " " " " " " when used for transporting or keeping dangerous petroleum, shall bear the words "Dangerous Petroleum—Highly Inflammable," legibly and indelibly stamped or marked thereon, or on a metallic or enamelled label attached thereto.

<sup>1</sup> Added by Notification No. 45, dated the 21st September, 1915. *Gazette of India*, 1915, Pt. II, p. 69.

<sup>2</sup> Inserted by Notification No. 71, dated the 18th December, 1913. *Gazette of India*, 1913, Pt. II, p. 2426.

<sup>3</sup> Omitted by ditto.

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under Acts locally applied.)

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4. An air-space of at least one-tenth of its capacity shall be left in each drum or receptacle at the time of filling, to allow for expansion of the dangerous petroleum.

5. Before repairs are done to any such vessel, that vessel shall, as far as practicable, be cleaned by the removal of all dangerous petroleum and of all dangerous vapours derived from the same.

6. The storage shed in which the dangerous petroleum is stored shall be well ventilated and constructed of unflammable materials, provided, however, that the doors and windows may be of wood. -3[When, however, the quantity of dangerous petroleum does not exceed 20 gallons it may be kept in a garage, stable or separate store room not directly communicating with any dwelling room, or room where persons assemble.]

7. Where a storage shed forms part of, or is attached to, another building, and when the intervening floor or partition is of an unsubstantial or inflammable character, or has an opening therein, the whole of such building shall be deemed to be the storage shed, and no portion of such storage shed shall be used as a dwelling, or as a place where persons assemble. A storage shed shall have a separate entrance from the open air, distinct from that of any dwelling or building in which persons assemble.

8. The amount of dangerous petroleum to be kept in any one storage shed, whether or not upon motor-vehicles, shall not exceed sixty gallons at any one time.

9. The filling or replenishing of any vessels with dangerous petroleum shall not be carried on, nor shall the contents of any such vessel be exposed, in the presence of fire or artificial light except a light of such construction, position and character as not to be liable to ignite any inflammable vapour, and no artificial light shall be brought within dangerous proximity of the place where any vessel containing dangerous petroleum is being kept.

10. In the case of all dangerous petroleum kept or transported for the purpose of, or in connection with, any motor-vehicle, (a) all due precautions shall be taken for the prevention of accidents by fire or explosion and for the prevention of unauthorized persons having access to any dangerous petroleum kept or transported and to the vessels containing, or having actually contained, the same and (b) every person managing, or employed on, or in connection with, any motor-vehicle shall abstain from every act whatever which tends to cause fire or explosion and which is not reasonably necessary, and shall prevent any other person from committing such act.

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<sup>1</sup> Added by Notification No. 48, dated the 7th September, 1917. *Mysore Revenue Orders*, 1917, Pt. I, p. 75.

11. The storage shed <sup>1</sup>[or other place of storage referred to in clause 6] shall be liable to inspection by an officer not being of lower rank than an Inspector of Police, authorised by the Resident in Mysore in this behalf.

#### FORM G.

(Rule <sup>2</sup>[1-A] of Chapter V of Part II.)

*General license to transport petroleum other than dangerous petroleum.*  
No. \_\_\_\_\_ Fee, Rs. 100.

A general license is hereby granted to  
to transport petroleum, other than dangerous petroleum, subject to the  
rules contained in Chapter V of Part II of \_\_\_\_\_ Resident's  
Notification No. \_\_\_\_\_, dated \_\_\_\_\_, and to the condi-  
tion at the back of this license.

This license shall continue in force till the

*District Magistrate or other authority, appointed  
under rule 2 of Chapter III of Part II.*

The \_\_\_\_\_ 19 \_\_\_\_.

*Endorsement on Form G.*

#### CONDITION OF THE LICENSE.

The petroleum, if not in bulk, shall be packed in air-tight tins or drums of steel or iron, or other receptacles not easily broken, or in tank-carts of a pattern approved by the Resident in Mysore in this behalf, or in bottles securely stoppered and carefully packed so as to avoid risk of breakage.

#### FORM H.

(Rule 2 of Chapter V of Part II.)

*General license to transport dangerous petroleum* <sup>3\*</sup> \* \* \*  
No. \_\_\_\_\_ Fee, Rs. 50.

A general license is hereby granted to  
to transport dangerous petroleum <sup>3\*</sup> \* \* \* \* \*  
subject to the rules contained in Chapter V of Part II of \_\_\_\_\_

<sup>1</sup> Added by Notification No. 48, dated the 7th September, 1917. *Mysore Residency Orders*, 1917, Pt. I, p. 75.

<sup>2</sup> Substituted by Notification No. 61, dated the 14th July, 1925. *Mysore Residency Orders*, 1925, Pt. I, p. 13.

<sup>3</sup> Omitted by Notification No. 14, dated the 15th April, 1920. *Mysore Residency Orders*, 1920, Pt. I, p. 43.

Resident's Notification No. \_\_\_\_\_, dated \_\_\_\_\_,  
and to the further conditions on the back of this license.

This license shall continue in force till the

When the quantity to be transported at a time exceeds 40 gallons.

*First Assistant Resident* <sup>1</sup>[or an officer  
appointed by the Resident in this behalf.]

When the quantity to be transported at a time does not exceed 40  
gallons.

*District Magistrate or other authority, appointed  
under rule 2 of Chapter III of Part II.*

The \_\_\_\_\_ 19 \_\_\_\_.

#### Endorsement on Form II.

#### CONDITIONS OF THE LICENSE.

1. The petroleum <sup>2</sup>[if not in bulk] must be contained in gas-tight  
tinned or galvanized sheet iron, steel, or lead plate receptacles contain-  
ing each not more than <sup>3</sup>[sixty-five] gallons and fitted with well-made  
filling holes and well-fitting screw plugs, or with screw cap or other cap  
with metal air-tight undercap. Such receptacles shall be packed in strong  
wooden cases, the thickness of the wood to be not less than three-eighths  
of an inch:

Provided that wooden cases shall not be necessary where the recep-  
tacles are made of tinned or galvanized sheet iron or steel, and have the  
following thickness of metal:

|   | Not less than |
|---|---------------|
| (1) When the capacity does not exceed 2 gallons . . . . .   | 27 B. W. G.   |
| (2) When the capacity exceeds 2, but does not ex-<br>ceed 4 gallons . . . . .                         | 22 B. W. G.   |
| (3) When the capacity exceeds 4, but does not ex-<br>ceed 8 gallons . . . . .                         | 20 B. W. G.   |
| (4) When the capacity exceeds 8, but does not ex-<br>ceed twenty gallons . . . . .                    | 16 B. W. G.   |
| (5) When the capacity exceeds twenty, but does not<br>exceed thirty gallons . . . . .                 | 14 B. W. G.   |
| (6) When the capacity exceeds thirty, but does not<br>exceed forty gallons . . . . .                  | 12 B. W. G.   |
| <sup>4</sup> (7) When the capacity exceeds forty, but does not<br>exceed sixty-five gallons . . . . . | 10 B. W. G.]  |

<sup>1</sup> Added by Notification No. 45, dated the 21st September, 1915. *Gazette of India*, 1915, Pt. II, p. 69.

<sup>2</sup> Inserted by Notification No. 14, dated the 15th April, 1920. *Mysore Residency Orders*, 1920, Pt. I, p. 43.

<sup>3</sup> Substituted by Notification No. 24, dated the 1st May, 1916. *Mysore Residency Orders*, 1916, Pt. I, p. 175.

<sup>4</sup> Inserted by ditto.

2. An air-space of at least one-tenth of its capacity must be left in each receptacle at the time of filling.

3. The receptacles must be so substantially constructed and secured as not to be liable, except under circumstances of gross negligence or extraordinary accident, to be broken or become defective, leaky or insecure in transit.

4. The nature of the contents and the words "Highly inflammable" must be distinctly marked on the receptacles.

#### FORM I.

(Rule 4 <sup>1</sup>[and Rule 4-A] of Chapter V of Part II.)

Pass to be granted by the holder of General License No. <sup>1</sup>[or his agent duly authorised in writing], for the transport of dangerous  
petroleum in bulk or otherwise than in bulk subject to the rules contained in Chapter V of Part II of Resident's Notification No. <sup>2</sup>, dated <sup>3</sup>, and to the further conditions on the back of this pass.

This pass covers <sup>drums</sup>  
(<sup>the</sup>  
<sup>cases</sup>  
packag<sup>ing</sup>)  
containing)\* <sup>gallons of</sup> <sup>dangerous</sup> petroleum being the property  
of <sup>while in transport from</sup> <sup>to</sup>  
*The* <sup>19</sup> <sup>Holder of General License No.</sup> <sup>1</sup>[or  
<sup>his agent duly authorised in writing.]</sup>

*Endorsement on Form I.*

#### CONDITIONS OF THE PASS.

*1.—For dangerous petroleum in the case of the holder of a license in Form H.*

1. The petroleum <sup>2</sup>[if not in bulk] must be contained in gas-tight tinned or galvanized sheet iron, steel, or lead plate receptacles containing each not more than <sup>3</sup>[sixty-five] gallons and fitted with well-made filling holes and well-fitting screw plugs, or with screw cap or other cap

<sup>4</sup> To be omitted when the petroleum is transported in bulk.

<sup>1</sup> Inserted by Notification No. 63, dated the 15th November, 1916. *Mysore Residency Orders*, 1916, Pt. II, p. 91.

<sup>2</sup> Inserted by Notification No. 14, dated the 15th April, 1920. *Mysore Residency Orders*, 1920, Pt. I, p. 43.

<sup>3</sup> Substituted by Notification No. 24, dated the 1st May, 1916. *Mysore Residency Orders*, 1916, Pt. I, p. 175.

with metal air-tight undercap. Such receptacles shall be packed in strong wooden cases, the thickness of the wood to be not less than three-eighths of an inch:

Provided that wooden cases shall not be necessary where the receptacles are made of tinned or galvanized sheet iron or steel, and have the following thickness of metal:

|   | Not less than |
|---|---------------|
| (1) When the capacity does not exceed 2 gallons . . . . .   | 27 B. W. G.   |
| (2) When the capacity exceeds 2, but does not exceed 4 gallons . . . . .                            | 22 B. W. G.   |
| (3) When the capacity exceeds 4, but does not exceed 8 gallons . . . . .                            | 20 B. W. G.   |
| (4) When the capacity exceeds 8, but does not exceed twenty gallons . . . . .                       | 16 B. W. G.   |
| (5) When the capacity exceeds twenty, but does not exceed thirty gallons . . . . .                  | 14 B. W. G.   |
| (6) When the capacity exceeds thirty, but does not exceed forty gallons . . . . .                   | 12 B. W. G.   |
| <sup>1</sup> [(7) When the capacity exceeds forty, but does not exceed sixty-five gallons . . . . . | 10 B. W. G.]  |

2. An air-space of at least one-tenth of its capacity must be left in each receptacle at the time of filling.

3. The receptacles must be so substantially constructed and secured as not to be liable, except under circumstances of gross negligence or extraordinary accident, to be broken or become defective, leaky or insecure in transit.

4. The nature of the contents and the words "Highly inflammable" must be distinctly marked on the receptacles.

## II.—For dangerous petroleum in the case of the holder of a license in Form L.

1. The quantity of dangerous petroleum to be transported under this pass shall not exceed 60 gallons.

2. The petroleum must be contained in gas-tight tinned or galvanized sheet iron, steel, or lead plate receptacles containing each not more than four gallons and fitted with well-made filling holes, and well-fitting screw plugs or with screw cap or other cap with metal air-tight undercaps. Such receptacles shall be packed in strong wooden cases, the thickness of the wood to be not less than three-eighths of an inch:

Provided that wooden cases shall not be necessary where the receptacles are made of tinned or galvanized sheet iron or steel, and have the following thickness of metal:

|   | Not less than |
|---|---------------|
| (1) When the capacity does not exceed 2 gallons . . . . . | 27 B. W. G.   |
| (2) When the capacity exceeds 2 gallons . . . . .         | 22 B. W. G.   |

<sup>1</sup> Added by Notification No. 24, dated the 1st May, 1916. *Mysore Residency Orders*, 1916, Pt. I, p. 175.



each receptacle at least one-tenth of its capacity must be left in each receptacle at the time of filling.

4. The receptacles must be so substantially constructed and secured as not to be liable, except under circumstances of gross negligence or extraordinary accident, to be broken or become defective, leaky or insecure in transit.

5. The nature of the contents and the words "Highly inflammable" must be distinctly marked on the receptacles.

### *III.—For petroleum other than dangerous petroleum.*

The petroleum, if not in bulk, shall be packed in air-tight tins or drums of steel or iron, or other receptacles not easily broken, or in tank-carts of a pattern approved by the Resident in Mysore in this behalf, or in bottles securely stoppered and carefully packed so as to avoid risk of breakage.

FORM I-A.  
(Rule 4-A of Chapter V, Part II.)  
*General authority to be given by the holder of a General License to his agent for the transport of petroleum.*  
(DUPPLICATE.)

|   |   |   |
|---|---|---|
| <p>I, <u>                    </u> the holder(s) of General License No. <u>                    </u> for the transport of petroleum in bulk or otherwise than in bulk hereby authorise <u>                    </u> (name and residence of agent) to issue passes in Form I appended to the rules for the importation, possession and transport of petroleum, published in Notification No. 52, dated the 19th July, 1909, (as subsequently amended), for the transport of petroleum in respect solely of consignments, or part thereof, which may be conveyed to him under a pass issued by me under rule 4, Chapter V, Part II, of the said rules.</p> <p>Holder of General License No.<br/>STATION<br/>Date</p> | <p>I, <u>                    </u> the holder(s) of General License No. <u>                    </u> for the transport of petroleum in bulk or otherwise than in bulk hereby authorise <u>                    </u> (name and residence of agent) to issue passes in Form I appended to the rules for the importation, possession and transport of petroleum, published in Notification No. 52, dated the 19th July, 1909, (as subsequently amended), for the transport of petroleum in respect solely of consignments, or part thereof, which may be conveyed to him under a pass issued by me under rule 4, Chapter V, Part II, of the said rules.</p> <p>Holder of General License No.<br/>STATION<br/>Date</p> | <p>I, <u>                    </u> the holder(s) of General License No. <u>                    </u> for the transport of petroleum in bulk or otherwise than in bulk hereby authorise <u>                    </u> (name and residence of agent) to issue passes in Form I appended to the rules for the importation, possession and transport of petroleum, published in Notification No. 52, dated the 19th July, 1909, (as subsequently amended), for the transport of petroleum in respect solely of consignments, or part thereof, which may be conveyed to him under a pass issued by me under rule 4, Chapter V, Part II, of the said rules.</p> <p>Holder of General License No.<br/>STATION<br/>Date</p> |
|---|---|---|

Note.—This part to be retained by the licensee until this authority is cancelled. The Magistrate of the District in which the agent resides with an indication that the authority has been cancelled.

Inserted by Notification No. 53, dated the 18th November, 1915. Mysore Residency Orders, 1915, Pt. II, p. 91.

FORM J.

(Rule 5 of Chapter V of Part II.)

*Special license to transport petroleum other than dangerous petroleum.*

No. \_\_\_\_\_ Fee, Rs. \_\_\_\_\_  
License is hereby granted to \_\_\_\_\_ to transport  
to \_\_\_\_\_ (cases or packages contain-  
ing) \_\_\_\_\_ gallons of petroleum subject to the rules contained in Chapter V  
of Part II of  
Resident's Notification No. \_\_\_\_\_, dated  
and to the further condition on the back of this license.

The license shall continue in force till the \_\_\_\_\_ day of  
\_\_\_\_\_ *District Magistrate or authority appointed*  
*under rule 2 of Chapter III of Part II.*

The \_\_\_\_\_ 19 \_\_\_\_\_

*Endorsement on Form J.*

CONDITION OF THE LICENSE.

The petroleum, if not in bulk, shall be packed in air-tight tins or drums of steel or iron, or other receptacles not easily broken, or in tank-carts of a pattern approved by the Resident in Mysore in this behalf, or in bottles securely stoppered and carefully packed so as to avoid risk of breakage.

FORM K.

(Rule 6 of Chapter V of Part II.)

*Special license to transport dangerous petroleum.*

No. \_\_\_\_\_ Fee, Rs. \_\_\_\_\_  
License is hereby granted to \_\_\_\_\_ of  
to transport \_\_\_\_\_ (cases or packages containing  
in all) \_\_\_\_\_ gallons of dangerous petroleum from  
to \_\_\_\_\_  
subject to the rules contained in Chapter V of Part II of  
Resident's Notification No. \_\_\_\_\_, dated  
and to the further conditions on the back of this license.

The amount of petroleum in each case or package is stated below.

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\* To be omitted when petroleum is transported in bulk.

This license shall continue in force till the                      day of  
When the quantity exceeds 40 gallons.

*First Assistant Resident* <sup>1</sup>[or an officer  
appointed by the Resident in this behalf.]

When the quantity does not exceed 40 gallons.

*District Magistrate or authority appointed  
under rule 2 of Chapter III of Part II.*

The                      10 .

*Endorsement on Form K.*

CONDITIONS OF THE LICENSE.

1. The petroleum <sup>2</sup>[if not in bulk] must be contained in gas-tight tinned or galvanized sheet iron, steel or lead plate receptacles containing each not more than <sup>3</sup>[sixty-five] gallons and fitted with well-made filling holes and well-fitting screw plugs, or with screw cap or other cap with metal air-tight undercap. Such receptacles shall be packed in strong wooden cases, the thickness of the wood to be not less than three-eighths of an inch.

Provided that wooden cases shall not be necessary where the receptacles are made of tinned or galvanized sheet iron or steel, and have the following thickness of metal:

|  | Not less than. |
|--|----------------|
| (1) When the capacity does not exceed 2 gallons . . . . .  | 27 B. W. G.    |
| (2) When the capacity exceeds 2, but does not exceed 4 gallons . . . . .                             | 22 B. W. G.    |
| (3) When the capacity exceeds 4, but does not exceed 8 gallons . . . . .                             | 20 B. W. G.    |
| (4) When the capacity exceeds 8, but does not exceed twenty gallons . . . . .                        | 16 B. W. G.    |
| (5) When the capacity exceeds twenty, but does not exceed thirty gallons . . . . .                   | 14 B. W. G.    |
| (6) When the capacity exceeds thirty, but does not exceed forty gallons . . . . .                    | 12 B. W. G.    |
| <sup>4</sup> [(7) When the capacity exceeds forty, but does not exceed sixty-five gallons . . . . .] | 10 B. W. G.]   |

2. An air-space of at least one-tenth of its capacity must be left in each receptacle at the time of filling.

3. The receptacles must be so substantially constructed and secured as not be liable, except under circumstances of gross negligence or extra-

<sup>1</sup> Added by Notification No. 45, dated the 21st September, 1915. *Gazette of India*, 1915, Pt. II, p. 83.

<sup>2</sup> Inserted by Notification No. 14, dated the 15th April, 1920. *Mysore Residency Orders*, 1920, Pt. I, p. 43.

<sup>3</sup> Substituted by Notification No. 24, dated the 1st May, 1916. *Mysore Residency Orders*, 1916, Pt. I, p. 175.

<sup>4</sup> Added by ditto.

ordinary accident, to be broken or become defective, leaky or insecure in transit.

4. The nature of the contents and the words " Highly inflammable " must be distinctly marked on the receptacles.

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FORM L.

(Rule 9 of Chapter V of Part II.)

*General license to the owner of a motor-vehicle to transport dangerous petroleum otherwise than on a motor-vehicle.*

No.

Fee, Rs. 5.

A general license is hereby granted to \_\_\_\_\_ to transport dangerous petroleum, otherwise than in bulk, up to  $\frac{40}{60}$  gallons at a time subject to the rules contained in Chapter V of Part II of Resident's Notification No. \_\_\_\_\_, dated \_\_\_\_\_ and to the further conditions on the back of this license.

This license shall continue in force till the \_\_\_\_\_ day of \_\_\_\_\_

When the quantity exceeds 40 gallons.

*First Assistant Resident* <sup>1</sup>[or an officer appointed by the Resident in this behalf.]

When the quantity does not exceed 40 gallons.

*District Magistrate or authority appointed under rule 2 of Chapter III of Part II.*

The

19 .

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*Endorsement on Form L.*

CONDITIONS OF THE LICENSE.

1. The petroleum must be contained in gas-tight tinned or galvanized sheet iron, steel, or lead plate receptacles containing each not more than four gallons and fitted with well-made filling holes and well-fitting screw plugs, or with screw cap or other cap with metal air-tight undercap. Such receptacles shall be packed in strong wooden cases, the thickness of the wood to be not less than three-eighths of an inch :

Provided that wooden cases shall not be necessary where the receptacles are made of tinned or galvanized sheet iron or steel, and have the following thickness of metal :

|   | Not less than. |
|---|----------------|
| (1) When the capacity does not exceed 2 gallons . | 27 B. W. G.    |
| (2) When the capacity exceeds 2 gallons .         | 22 B. W. G.    |

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<sup>1</sup> Added by Notification No. 45, dated the 21st September, 1915. *Gazette of India*, 1915, Pt. II, p. 69.

2. An air-space of at least one-tenth of its capacity must be left in each receptacle at the time of filling.

3. The receptacles must be so substantially constructed and secured as not to be liable, except under circumstances of gross negligence or extraordinary accident, to be broken or become defective, leaky or insecure in transit.

4. The nature of the contents and the words "Highly inflammable" must be distinctly marked on the receptacles.

[*Gazette of India*, 1909, Pt. II, p. 1271.]

*Rules to regulate the possession and transport of carbide of calcium.*<sup>1</sup>

No. 41, dated the 8th July, 1907.—In exercise of the powers conferred by section 9 of the Indian Petroleum Act 1899 (VIII of 1899), as applied to the Civil and Military Station of Bangalore and to the Railway lands over which jurisdiction has been ceded to the British Government, the Hon'ble the Resident in Mysore, with the previous sanction of the Governor General in Council, is pleased to make the following rules to regulate the possession and transport of carbide of calcium in the said Civil and Military station and the Railway lands:—

PART I.—OF IMPORTATION OF CARBIDE OF CALCIUM.

*Applicable to Maritime Provinces.*

PART II.—OF POSSESSION OF CARBIDE OF CALCIUM.

1. *Carbide of calcium to be "commercially pure."*—No carbide of calcium shall be kept at any place, with or without a license unless it is "commercially pure," i.e., unless it contains no impurities liable to generate phosphoretted or siliciuretted hydrogen so as to render the gas evolved liable to ignite spontaneously.

2. *Conditions of possession without license.*—No license shall be required for the possession of carbide of calcium (i) in any quantity not exceeding five pounds if it is kept in separate vessels, each containing not more than one pound, of the nature described in, and labelled as required by rule 1 of Part V; (ii) in any quantity exceeding five and not exceeding twenty-eight pounds where the following conditions are observed and the vessels containing it are labelled as required by rule 1 of Part V:—

- (a) the carbide shall be kept only in metal vessels hermetically closed at all times when the carbide is not actually being placed in or withdrawn from such vessels;

<sup>1</sup> See Notification No. 1287-I. A., dated the 10th April, 1907, *infra*, p. 472.

These rules have been applied to calcium phosphide, see Notification No. 71, dated the 7th November, 1922, *infra*, p. 471.

- (b) the vessels containing carbide shall be kept in a dry and well ventilated place;
- (c) due precautions shall be taken to prevent unauthorized persons from having access to the carbide;
- (d) notice shall be given of such keeping to the licensing authority referred to in rule 8 of this Part, and free access shall be afforded to any duly authorised inspector to inspect the portion of the premises where the carbide is kept and the generator, if any, is situated.

Where a fixed generator is used on the premises:—

- (e) full and detailed instructions as to the care and use of the generator shall be kept constantly posted up in such place as to be conveniently referred to by the generator attendant.

Where it is desired to keep a greater quantity or where the above conditions cannot be complied with, application must be made to the licensing authority for a license.

3. *Licenses for possession.*—Carbide of calcium in any quantity exceeding twenty-eight pounds may be kept only under a license to possess carbide of calcium granted under these rules. Every application for such a license shall be in Form A in the schedule, and, where the applicant proposes to engage in the manufacture of acetylene gas, the generating apparatus to be used by the licensee must, if manufactured in the Civil and Military Station of Bangalore and in the Railway lands in Mysore territory over which jurisdiction has been ceded to the British Government, have been examined by such competent authority as the Resident in Mysore may from time to time specially authorize in this behalf, and certified by it to be suitable; or, if imported, must either have been so examined and certified or be a type approved by the Committee on Acetylene Generators appointed by the Department of His Majesty's Inspector of Explosives, London.

4. *Storage of carbide of calcium.*—Notwithstanding anything contained in rule 3 of this Part, carbide of calcium may with the special permission of the Resident in Mysore, and on such conditions as may be fixed by him, be stored without a license in premises provided for the purpose.

NOTE.—This rule is intended to be applied only in the case of Port Trust and similar premises.

5. *Situation of storage buildings.*—Carbide of calcium shall be stored,—

- (1) if in quantities aggregating not more than four hundred and fifty pounds—in a suitable uninhabited building at least twenty feet away from any other premises; provided that

quantities not exceeding two hundred and twenty-five pounds may be stored in a place connected with a shop at a distance of at least ten feet from other premises;

- (2) if in quantities aggregating more than four hundred and fifty pounds and not more than three thousand pounds—in a suitable uninhabited building at least forty feet away from any other premises;
- (3) if in quantities aggregating more than three thousand pounds and not more than fifty tons—in an uninhabited building at least one hundred feet away from any other premises.

Not more than fifty tons of carbide of calcium shall be stored in any one building.

6. *Construction of storage buildings.*—Every building for the storage of carbide of calcium shall be—

- (a) constructed with stone, brick or iron walls, with terraced, tiled or iron roofs and with tiled, paved or cemented, or iron (or steel) floors raised at least a foot above the ground level; and

- (b) well-ventilated and water-tight to the satisfaction of the licensing officer.

7. *Arrangements in storage buildings.*—Carbide of calcium shall be stored only on racks or trestles standing at least one foot above the level of the ground, and no articles of an inflammable or combustible nature shall be kept in the same building.

8. *Licenses for possession.*—Licenses to possess carbide of calcium shall be in Form B in the schedule, and may be granted by the District Magistrate or any Magistrate of the first class, or by such other officer as the Resident in Mysore may, from time to time, by an order in writing, appoint in this behalf.

<sup>1</sup>[9. *Continuance of license.*—Every license, for the possession of carbide of calcium, shall remain in force until the 31st December next following the date of the issue of the license:

Provided that the licensing officer may, at any time, for good and sufficient reasons cancel any such license.]

10. *Fee for license.*—The fee for a license to possess carbide of calcium shall be five rupees.

11. *Renewal of license.*—Every application for the renewal of a license to possess carbide of calcium shall be made in the same manner as an application for an original license.

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<sup>1</sup>Substituted by Notification No. 12, dated the 23rd February, 1923. *Mysore Residency Orders*, 1923, Pt. I, p. 51.



12. *Date of, and fee for, application for renewal.*—Every such application shall be made at a date not less than fifteen days prior to the date on which the original license expires. The fee charged for the renewal of a license shall be three rupees.

13. *Packing and marking on sale by retail vendor.*—Every retail vendor of carbide of calcium, selling any quantity exceeding half a pound to a purchaser, shall deliver it to him in an air-tight tin or drum, packed and marked in accordance with these rules, and bearing the name of the vendor plainly printed on the package.

14. *Packing and opening by retail vendor.*—Every retail vendor shall keep his carbide of calcium in a receptacle which can be easily opened and closed again so as to be air-tight, and shall open for the purposes of sale not more than one receptacle at a time.

### PART III.—TRANSPORT OF CARBIDE OF CALCIUM.

1. *Conditions of transport without license.*—No license shall be required for the transport of carbide of calcium in any quantity not exceeding five pounds if it is packed in separate vessels each containing not more than one pound, of the nature described in, and labelled as required by, rule 1 of Part V.

2. *Conditions of transport under license.*—Carbide of calcium in any quantity exceeding five pounds may be transported only under a license to transport carbide of calcium granted under these rules, and shall not be deposited at any time during transit in any building other than a building fulfilling the requirements of rules 5 and 6 of Part II and shall not be stored in any such building except in accordance with the conditions as to storage prescribed by rule 7 of Part II.

3. *Conditions of transport by railway.*—Notwithstanding anything contained in rule 2 of this Part, carbide of calcium, while in the possession of a railway for transport, shall not be stored in any railway goods shed, but shall be stacked in the open under waterproof sheets and so placed as to prevent its getting wet.

4. *Special precautions.*—All lights shall be kept away from carbide of calcium stacked as provided in rule 3 of this Part.

5. *Method of disposal if wetted in transit.*—If any carbide of calcium is wetted while in the possession of a railway for transport it shall be destroyed by immersion in at least twenty times its bulk of water.

NOTE.—The fact of carbide of calcium having become wet will be indicated by the outward appearance of the drum, and probably by a disagreeable odour, showing a leakage of gas.

6. *Condition of transport by passenger train.*—(1) Where carbide of calcium is transported by passenger train, no quantity exceeding four

hundred and fifty pounds shall be carried by any one train and the vehicles shall be well ventilated and as far as possible water-tight.

(2) In no circumstances shall a naked lamp or other unprotected artificial light be taken into a waggon, vessel or conveyance containing carbide of calcium.

7. *Transport licenses.*—Licenses to transport carbide of calcium shall be either general or special in Form C or Form D in the schedule, and may be granted by the District Magistrate or any Magistrate of the first class, or by such other officer as the Resident in Mysore may, from time to time, by an order in writing, appoint in this behalf.

8. *Grant of general transport license.*—A general license to transport carbide of calcium may be granted only to a person who holds an annual license to possess a quantity exceeding four hundred and fifty pounds of carbide of calcium.

9. *Grant of special transport license.*—A special license to transport carbide of calcium may be granted to any person for a particular consignment at the discretion of the licensing officer.

10. *Fee for general transport license.*—The fee for a general license to transport carbide of calcium shall be three rupees.

11. *Application for general transport license.*—An application for a general license to transport carbide of calcium shall state—

- (a) the number and date of the license to possess carbide of calcium held by the applicant; and
- (b) the period of currency of that license.

<sup>1</sup>[12. *Continuance of general transport license.*—A general license to transport carbide of calcium shall remain in force until the 31st December next following the date of issue of the license.]

13. *Application for special transport license.*—An application for special license to transport carbide of calcium shall state—

- (a) the place from which the carbide of calcium is to be transported;
- (b) the place to which it is to be transported;
- (c) the number of drums or cases;
- (d) the quantity in each drum or case;
- (e) the name and address of the consignee;
- (f) whether the consignee has a license to possess carbide of calcium sufficient to cover the amount transported; and
- (g) the date on which it is proposed to despatch the consignment.

<sup>1</sup> Substituted by Notification No. 12, dated the 23rd February, 1923. *Mysore Residency Orders*, 1923, Pt. I, p. 81.

14. *Continuance of special transport license.*—A special license to transport carbide of calcium shall be in force for such period, not exceeding one month from the date of the grant of the license, as may be specified on the same.

15. *Fee for special transport license.*—The fee for a special license to transport carbide of calcium shall be one rupee.

16. *Issue and contents of passes.*—The holder of a general license to transport carbide of calcium shall, with each consignment conveyed under cover of his license, issue a pass in Form E in the schedule specifying—

- (a) the places from and to which the carbide of calcium is to be transported;
- (b) the quantity of carbide of calcium covered by the pass;
- (c) the name and address of the consignee; and
- (d) whether the consignee has a license to possess carbide of calcium sufficient to cover the amount transported.

17. *Validity of license granted in another province.*—Carbide of calcium may be transported within the Civil and Military Station of Bangalore and the Railway lands in Mysore territory over which jurisdiction has been ceded to the British Government under cover of any license granted by the prescribed authority in any province in British India, provided that the conditions of such license are observed throughout the period during which the carbide of calcium is in transit.

#### PART IV.—OF INSPECTION.

1. *Powers of inspecting officers.*—The District Magistrate or any Magistrate subordinate to the District Magistrate appointed by him in this behalf by order in writing, or any police officer of or above the rank of Inspector appointed by the District Magistrate in this behalf by order in writing, or any other officer appointed by the Resident in Mysore in this behalf, may at any time enter any premises in respect of which a license to possess carbide of calcium has been granted, for the purpose of inspecting the same.

2. *Requisition of samples.*—Any officer so inspecting may require a sample or samples to be delivered to him from any drum or case of carbide of calcium stored in the premises inspected.

3. *Facilities to be afforded to inspecting officers.*—The licensee of any premises inspected shall personally or through a representative show to the officer so inspecting every place and every vessel in which carbide of calcium in his possession is kept, deliver any samples required, and give such assistance as the officer may require.

4. *Inspection during transit.*—Where a license to transport carbide of calcium has been granted, any officer authorized under rule 1 of this

Part may, at any time and on or before the arrival of the carbide of calcium at its destination, board any ship, or detain any conveyance, used for such transport, for the purpose of inspecting the license granted for the transport of the consignment or the pass issued by the licensee and seeing whether the provisions of these rules and the license have been complied with.

PART V.—GENERAL.

1. *Description and marking of vessels.*—Where carbide of calcium—

- (a) is imported or kept at any place after seven days from the date of its importation, or
- (b) is transported, or
- (c) is sold or exposed for sale,

it shall be contained in substantial hermetically closed metal vessels, each containing not more than two hundred and twenty-four pounds, having no copper in their construction and having attached to them labels stating in conspicuous characters the words—"Carbide of calcium—dangerous if not kept dry," together with the following caution:—

*"The contents of this package are liable, if brought into contact with moisture, to give off a highly inflammable gas,"*

and with the addition,—

- (d) in the case of a vessel kept, of the name and address of the consignee or owner;
- (e) in the case of a vessel transported, of the name and address of the sender; and
- (f) in the case of a vessel sold or exposed for sale, of the name and address of the vendor.

2. *Refusal of license.*—A licensing officer may, for reasons to be reported to the Resident in Mysore, refuse a license in any case, the reasons for refusal being communicated to the applicant if a request to that effect is preferred by him; and the Resident in Mysore may, on receipt of such report, and of any representation made to him by the applicant, pass such orders on the case as he thinks fit.

3. *Report of accident.*—Any explosion or accident occurring in connection with the importation, transport, possession, or sale of carbide of calcium shall be reported by the person in charge of the same for the time being without delay at the nearest police station.

4. *Procedure on death or disability of licensee.*—Where a licensee dies or becomes insolvent or becomes mentally incapable or otherwise disabled, the person carrying on the business of such licensee shall not be liable to any penalty or forfeiture under the Act or these rules for

acting under the license during such time as may reasonably be necessary to allow him to make an application for a new license in his own name for the unexpired portion of the original license. Such new license shall be granted on payment of one rupee.

5. *Loss of license.*—Where a license granted under these rules is lost or accidentally destroyed, a duplicate may be granted on payment of a fee of eight annas.

6. *Levy of license-fees.*—The fees chargeable under these rules shall ordinarily be levied by means of impressed stamps. An application for the grant or the renewal of a license shall bear the proper stamp: provided that, if the application is refused, the value of the separate stamp (if any) which may have been already provided by the applicant for the desired license or renewed license, *minus* the reductions prescribed by section 54 of the Indian Stamp Act, 1899 (II of 1899), as applied to the Civil and Military Station of Bangalore, may be refunded to the applicant. An application should not be made on the stamped paper intended for the license or renewed license; but where this has been wrongly done, the value of the stamp may be refunded *minus*—

(i) the value of the stamp which should have been affixed to the application, and

(ii) the deductions prescribed as aforesaid.

Where the fees leviable under these rules have been made over to any Local body, the fees shall be paid in such manner as that Local authority may from time to time direct.

7. *Production of license.*—Any person holding a license or acting under a license granted under these rules shall be bound to produce the same when called upon to do so by any Magistrate or Police officer of or above the rank of an officer in charge of a police station.

## THE SCHEDULE.

### FORM A.

REGD. No.

Application to the

of  
carbide of calcium.

for a license to possess

Name in full of applicant with particulars of his residence  
If a firm or company, its name or that of its Agent or  
Secretary.

Situation of building for which the license is required.

Quantity to be covered by license.

CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Orders 467  
under Acts locally applied.)

FORM A—contd.

Is the carbide for use or for sale unopened in the vessel in which it is received, and, if not, what will be done with it?

In what vessels will the carbide be kept, what is the capacity of the same, how are they closed against moisture, and of what material are they made?

In what part of the building will the carbide be kept?  
How are the premises constructed?  
Are the premises used for other purposes, and, if so, for what purposes?

Is the carbide to be used for the manufacture of acetylene gas?  
How is the generator constructed, and what is its capacity? Give sketch.  
Give particulars as to the building in which the generator will be placed, and state whether it is detached from other buildings, and whether it is used for other purposes?  
How is it proposed to dispose of the residue?  
Will the generator be in the sole charge of a person competent to manage it?

Signature of Applicant.

Postal address.

Dated

FORM B.

No.

A license to possess not more than \_\_\_\_\_ pounds of carbide of calcium at any one time in the building described on the reverse is hereby granted to \_\_\_\_\_, subject to the rules and conditions endorsed hereon. This license shall continue in force till, and become void after, the \_\_\_\_\_

(Description of the building referred to to be on the back of this license.)

Signature

Dated

19 .

of

ENDORSEMENT ON FORM B.

Rules.

[Here enter rules 1, 2, 3, 5 to 14 of Part II, 1 to 3 of Part IV, and 1 to 7 of Part V.]

Conditions.

This license is given subject to the provisions of the Indian Petroleum Act, 1899 (VIII of 1899), as applied to the Civil and Military

Station of Bangalore and to the Railway lands in Mysore territory over which jurisdiction has been ceded to the British Government and the abovementioned rules for the possession and sale of carbide of calcium made thereunder.

2. If the licensing officer or any officer appointed under rule 1 of Part IV calls on the license-holder by notice in writing, to execute any repairs to the building licensed which may in the opinion of such officer be necessary for the safety thereof, the license-holder shall execute the repairs within such period not being less than one week from the date of receipt of the notice, as may be fixed by the notice.

3. Subject to the provisions of rule 2 of Part II, the licensee shall not deliver any quantity of carbide of calcium exceeding twenty-eight pounds to any one who has not a license under section 11 of the Act or any quantity of such carbide of calcium exceeding half a pound, except in accordance with the rules as to the manner in which carbide of calcium is to be packed.

4. Vessels containing carbide of calcium shall be opened only for the time necessary for the removal of any quantity of carbide of calcium or for the refilling of other vessels. During such removal or refilling every reasonable precaution shall be adopted for preventing moisture being brought into contact with the carbide of calcium, as well as for guarding against the risk of ignition of any gas which may be liberated.

5. Every storage vessel of a greater storage capacity than two pounds shall be secured with a lock or be kept in a locked receptacle, so as to prevent unauthorised persons having access to the contents.

6. Due precaution shall at all times be taken for the prevention of accidents from fire, and no smoking, light, or fire in any form shall be permitted at any time within or near the building in which the carbide of calcium is stored.

7. If carbide of calcium is used for the manufacture of acetylene gas, the following precautions for ensuring safety shall be adopted :—

(a) The apparatus used must, if manufactured in the said Civil and Military Station and Railway lands, have been examined by\* and certified by it to be suitable, or, if imported, either have been so examined and certified or be of a type approved by the Committee on Acetylene Generators appointed by the Department of His Majesty's Inspector of Explosives, London.

(b) Every apparatus for generating and storing acetylene gas, other than a portable apparatus holding a charge of less than two pounds of carbide of calcium, shall be placed in

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\* *Vide* Rule 3 of Part II.

CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Orders 469  
under Acts locally applied.)

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an outbuilding which shall be separated as far as may be practicable from any inhabited building and shall be well ventilated.

- (c) No fire or such artificial light as would ignite inflammable gas shall be taken into or near the building, in which a gas-making apparatus is placed.

8. Every apparatus (including generator and gas-holder) used for the manufacture of acetylene gas shall, as far as practicable, be constructed and used so as to provide against special risk, that is to say:—

- (a) Copper shall not be used in any part of the apparatus.  
(b) The various parts shall be of adequate strength.  
(c) The escape of gas from the apparatus shall be carefully guarded against.  
(d) Satisfactory provision shall be made against the dangerous development of heat.  
(e) Satisfactory provision against undue pressure shall be made by the employment of an adequate safety valve connected with a pipe discharging into the open air, and a suitable pressure gauge shall be attached to the apparatus.  
(f) Provision shall be made for the residue of the carbide of calcium being mixed with at least ten times its bulk of water on being removed from the apparatus.  
(g) No person shall have charge of an apparatus unless he has been properly instructed in its management.

FORM C.

No.

A general license to transport \_\_\_\_\_ pounds  
of carbide of calcium by rail, by road or by water,  
\_\_\_\_\_, is hereby granted to \_\_\_\_\_, subject  
to the rules and conditions endorsed hereon.

This license shall continue in force till, and become void after,  
the \_\_\_\_\_

*Signature.*

*Dated the*

*19 .*

*of*

[ENDORSEMENT ON FORM C.]

*Rules.*

[Here enter rules 1, 2, 6 to 8, 10 to 12 and 16 of Part III, rule 4 of Part IV, and rules 1 to 7 of Part V.]



*Conditions.*

1. This license is given subject to the provisions of the Indian Petroleum Act, 1899 (VIII of 1899), as applied to the Civil and Military Station of Bangalore and to the Railway lands in Mysore territory over which jurisdiction has been ceded to the British Government and the abovementioned rules for the transport of carbide of calcium made thereunder.

2. Where the carbide of calcium is conveyed by steamer, it shall be stowed in any such part of the steamer and in such manner as may be approved by the licensing officer.

3. Where the carbide of calcium is conveyed by rail, it shall be subject to all the regulations which may, from time to time, be prescribed generally or specially in that behalf by the railway authority of the line over which it is conveyed.

FORM D.

No.

A special license to transport \_\_\_\_\_ pounds  
of carbide of calcium from \_\_\_\_\_ to \_\_\_\_\_ is  
hereby granted to \_\_\_\_\_, subject  
to the rules and conditions endorsed hereon, and by the following route,  
namely:—

The weight of carbide of calcium in each package shall not exceed

This license shall continue in force till, and become void after, the  
day of \_\_\_\_\_ 19 .

*Signature.*

*Dated the*

19 .

*of*

[ENDORSEMENT ON FORM D.]

*Rules.*

[Here enter rules 1, 2, 6, 7, 9, and 13 to 15 of Part III, rule 4 of Part IV,  
and rules 1 to 7 of Part V.]

*Conditions.*

1. This license is given subject to the provisions of the Indian Petroleum Act, 1899 (VIII of 1899), as applied to the Civil and Military Station of Bangalore and to the Railway lands in Mysore territory over which jurisdiction has been ceded to the British Government and the abovementioned rules for the transport of carbide of calcium made thereunder.



tion of the Government of India in the Foreign and Political Department No. 426-I,<sup>1</sup> dated the 18th July 1927), the Hon'ble the Resident in Mysore, with the previous sanction of the Governor-General in Council, is pleased to direct that the rules regulating the possession and transport of petroleum published with this Residency Notification No. 52, dated the 19th July 1909, shall apply *mutatis mutandis* to the possession and transport of Acetone, Wood Naptha and Methyl Alcohol in the said Station.

[*Mysore Residency Orders*, 1927, Pt. I, p. 58.]

*Conferment of powers under section 12.*

*No. 64, dated the 4th October, 1909.*—Under the provisions of section 12 of the Indian Petroleum Act, 1899 (VIII of 1899), as in force in the Civil and Military Station of Bangalore and the Railway lands in Mysore territory over which jurisdiction has been ceded to the British Government, the Honourable the Resident in Mysore is pleased to vest the officers named below with the powers conferred by that section, within the areas respectively specified against each:—

| Officers.   | Areas.   |
|---|--|
| (1) The Chief Inspector and Inspectors of Explosives.                     | In all parts of the Civil and Military Station of Bangalore and on the Railways. |
| (2) The District Magistrate, Civil and Military Station of Bangalore.     |  |
| (3) The Superintendent of Police, Civil and Military Station of Bangalore |  |
| (4) The Inspector of Police.  | Within the areas respectively subject to their jurisdiction.                     |
| (5) All Magistrates subordinate to the District Magistrate.               |  |

[*Gazette of India*, 1909, Pt. II, p. 1610.]

*Application of certain provisions of the Act to carbide of calcium.*

*No. 1287-I. A., dated the 10th April, 1907.*—In exercise of the powers conferred by section 22 of the Indian Petroleum Act, 1899 (VIII of 1899), as applied to the Civil and Military Station of Bangalore and to the Railway lands in Mysore territory over which jurisdiction has been ceded to the British Government, the Governor-General in Council is pleased to apply to carbide of calcium the provisions of sections 8 to 15, 17, 18, 23 and 24 of the said Act as so applied and to prescribe that for the quantity of petroleum mentioned in section 11 of the same Act such quantity or quantities of carbide of calcium shall be substituted as

<sup>1</sup> Printed *infra*, p. 473.

<sup>2</sup> Printed *supra*, p. 428.

may be prescribed by the rules for the time being in force relating to the possession and transport of carbide of calcium.

[*Gazette of India*, 1907, Pt. I, p. 271.]

*Application of certain provisions of the Act to calcium phosphide.*

No. 1882-790-Int., dated the 4th September, 1922.—In exercise of the powers conferred by section 22 of the Indian Petroleum Act, 1899 (VIII of 1899), as applied to the Civil and Military Station of Bangalore and to the Railway lands in Mysore territory over which jurisdiction has been ceded to the British Government, the Governor-General in Council is pleased to apply to calcium phosphide the provisions of sections 8 to 15, 17, 18, 23 and 24 of the said Act and to prescribe that, for the quantity of petroleum mentioned in section 11 of that Act, such quantity or quantities of Calcium Phosphide shall be substituted as may be prescribed by the rules for the time being in force relating to the possession and transport of calcium phosphide.

[*Gazette of India*, 1922, Pt. I, p. 1119.]

*Application of the Act to Acetone, Wood Naptha and Methyl Alcohol.*

No. 426-I., dated the 18th July, 1927.—In exercise of the powers conferred by sub-section (1) of section 22 of the Indian Petroleum Act, 1899 (VIII of 1899), as applied to the Civil and Military Station of Bangalore, the Governor-General in Council is pleased to apply all the provisions of the said Act to each of the following substances, namely:—

1. Acetone.
2. Wood Naptha.
3. Methyl Alcohol.

[*Gazette of India*, 1927, Pt. I, p. 780.]

*Limiting the operation of the Bangalore Municipal Law, 1897, as to the possession or transport of petroleum.*

No. 2671-I..A., dated the 12th March 1908.—In exercise of the powers conferred by section 23 of the Indian Petroleum Act, 1899 (VIII of 1899), as applied to the Civil and Military Station of Bangalore, the Governor-General in Council is pleased to limit the operation of the Bangalore Municipal Law, 1897,<sup>1</sup> in so far as it relates<sup>2</sup> to the possession or transport of petroleum to the following quantities:—

In the case of petroleum not being dangerous petroleum, to quantities not exceeding 500 gallons.

In the case of dangerous petroleum, to quantities not exceeding 3 gallons, provided such petroleum is placed in separate

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<sup>1</sup> Printed, *supra*, p. 87.

<sup>2</sup> Cf. sections 103 and 111.

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glass, stoneware or metal vessels, each of which contains not more than a pint and is securely stopped.

[*Gazette of India*, 1908, Pt. I, p. 204.]

*Previous publication of rules.*

No. 533-I. A., dated the 8th February, 1907.—In exercise of the powers conferred by section 24, sub-section (1) of the Indian Petroleum Act, 1899 (VIII of 1899), as applied to the Civil and Military Station of Bangalore and to the Railway lands in Mysore territory over which jurisdiction has been ceded to the British Government, the Governor-General in Council is pleased to direct that drafts of rules which it may be proposed to make under the said Act as so applied shall be published—

- (a) <sup>1</sup>[when the authority making the rules is the Resident in Mysore, in one issue of the *Mysore Residency Orders*,]
- (b) the authority making the rules is the Governor-General in Council, in one issue of Part I of the *Gazette of India* [*Gazette of India*, 1907, Pt. I, p. 91.]

CHURCH OF SCOTLAND KIRK SESSIONS ACT, 1899.

*Constitution of the Kirk Session in the Civil and Military Station.*

No. 3776-I. A., dated the 24th August, 1900.—In exercise of the powers conferred by section 2, sub-section (2), of the Church of Scotland Kirk Sessions Act, 1899 (XXIII of 1899), as applied to the Civil and Military Station of Bangalore, by the<sup>2</sup> notification of the Government of India in the Foreign Department, No. 3775-I. A., dated the 24th August 1900, the Governor-General in Council is pleased to notify that the Kirk Session of the Church of Scotland at present existing in the said station has been duly constituted for ecclesiastical purposes in pursuance of an Act of the General Assembly of the Church of Scotland.

[*Gazette of India*, 1900, Pt. I, p. 525.]

PRISONERS ACT, 1900.

*Removal of European and Eurasian prisoners.*

No. 612-I. B., dated the 24th March, 1910.—In exercise of the powers conferred by<sup>3</sup> section 3 of the Bangalore Prisoners Law, 1906,

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<sup>1</sup> Substituted by Notification No. 1769-L-B., dated the 12th August, 1915, *Gazette of India*, 1915, Pt. I, p. 1047.

<sup>2</sup> See now Notification No. 261-I., dated the 24th April, 1929, *supra*, p. 39.

<sup>3</sup> See now section 29 of the Prisoners Act, 1900, as applied by the notification cited in footnote 2.

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the Governor-General in Council is pleased to make the following order:—

ORDER.

Any European or Eurasian prisoner sentenced to imprisonment for a term exceeding one month, whose detention in the Bangalore Central Jail is deemed inexpedient, may be removed by order of the Resident in Mysore to the Central Jail at Vellore.

[*Gazette of India*, 1910, Pt. I. p. 260.]

*Removal of prisoners generally.*

No. 841-I. B., dated the 21st March, 1918.—In exercise of the powers conferred by section 29 of the Prisoners Act, 1900 (III of 1900), as applied to the Civil and Military Station of Bangalore, the Governor-General in Council is pleased to make the following order:—

ORDER.

Any prisoner sentenced to imprisonment for a term of one year or under, by a Court in the Civil and Military Station, Bangalore, whose transfer is deemed expedient, may be moved by order of the Resident in Mysore to the Central Jail at Vellore.

[*Gazette of India*, 1918, Pt. I, p. 426.]

ANCIENT MONUMENTS PRESERVATION ACT, 1904.

*Protected Monuments.*

No. 73, dated the 8th October, 1913.—Not reprinted.

No. 99, dated the 9th September, 1913.—Not reprinted.

[*Gazette of India*, 1913, Pt. II, pp. 1644 and 1916.]

INDIAN COINAGE ACT, 1906.

*Authority to cut coin.*

No. 1, dated the 9th January, 1912.—The Resident is pleased to authorise the Agent of the Bangalore Bank, Limited, to cut or break counterfeit silver coin under the provisions of section 20 of the Indian Coinage Act, 1906 (No. III of 1906), as applied to the Civil and Military Station of Bangalore.

[*Gazette of India*, 1912, Pt. II, p. 45.]

CODE OF CIVIL PROCEDURE, 1908.

See Orders relating to Courts, printed *supra*, p. 203.

INDIAN REGISTRATION ACT, 1908.

*Constitution of the Civil and Military Station as a Sub-district and appointment of a Registrar.*

*Dated the 23rd May, 1881.*—Under the provisions of section 9 of the Indian Registration Act, III of 1877<sup>1</sup>, the Resident in Mysore directs, on the authority of the notification of the Government of India in the Foreign Department, No. <sup>2</sup>126-G. P., dated 28th April 1881, that the Sub-Registrar of the Cantonment of Bangalore, hitherto a sub-district of the Bangalore Registration District, shall henceforth be styled “the Sub-Registrar of the Civil and Military Station of Bangalore,” and the local limits of the sub-registration district of the Civil and Military Station of Bangalore shall be coterminous with the limits of the tract assigned by His Highness the Maharaja of Mysore for the purposes of a Civil and Military Station in Bangalore.

2. The Civil and Sessions Judge of the said station shall be the Registrar and the Inspector-General of Registration for Coorg shall be the Inspector-General of Registration <sup>2</sup>for that station.

[*Mysore Gazette*, 1881, Pt. II, p. 112.]

*No. 959, dated the 10th April, 1886.*—In supersession of the notification of the Resident in Mysore, No. 6, dated the 29th June, 1882, the Officiating Resident in Mysore is pleased, under the provisions of section 4 of the Indian Registration Act (III of 1877)<sup>1</sup>, to appoint the Assistant to the Resident in Mysore for the time being to be Inspector-General of Registration for the Civil and Military Station of Bangalore, with effect from the 5th April 1886.

[*Gazette of India*, 1886, Pt. II, p. 197.]

*Rules.*

*No. 2, dated the 8th January, 1913.*—In supersession of the late Chief Commissioner's notifications, No. 202, dated the 14th August 1871, and No. 233, dated the 18th October 1877, the following revised rules prepared under the provisions of section 69 of the Indian Registration Act, 1908 (XVI of 1908), as in force in the Civil and Military Station of Bangalore, and approved by the Hon'ble the Resident in Mysore, are hereby published for general information.

<sup>1</sup> See now the Indian Registration Act, 1908, as applied to the Civil and Military Station by Notification No. 261-I., dated the 24th April, 1929, *supra*, p. 39.

<sup>2</sup> Printed *supra*, p. 57, footnote 1.

<sup>3</sup> The portion printed in italics has been superseded by Notification No. 959, dated 10th April, 1886, printed on this page.

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under Acts locally applied.)

These rules shall take effect from the 1st February 1913.  
*Rules under section 69 of the Indian Registration Act, 1908, as in force  
in the Civil and Military Station of Bangalore.*

PART I.

*General Rules.*

1. *Languages.* Section 19.—(1) Kanarese, Tamil and English shall be deemed to be commonly used in the Civil and Military Station of Bangalore.

(2) The stamp vendor's endorsement on a document shall be considered to be a part of the document and, if it is in a language not understood by the registering officer, the party concerned shall be required to file a translation.

(3) When a power-of-attorney is presented for attestation or when an attested power-of-attorney is produced by an agent with, or in connection with, a document presented for registration and the power-of-attorney is written in a language not commonly used in the Civil and Military Station of Bangalore, the registering officer may, if he does not understand the language, demand of the presentant a true translation of the power in English or in a language commonly used in the Civil and Military Station of Bangalore.

(4) The translation shall be certified to be a true translation and shall be signed by the presentant.

(5) No fee is leviable for filing a translation in cases falling under this rule.

2. *Territorial Division.* Section 21.—The term "territorial division" in the Indian Registration Act, XVI of 1908, as in force in the Civil and Military Station of Bangalore, shall mean the Civil and Military Station of Bangalore and shall, as far as practicable, include the town, village, hamlet, suburb or other well-known division in which the property referred to in a registrable document is situated. But if the property is described in the document relating thereto by a specific reference to a registered instrument in which the above particulars and sufficient description of the property are already given, they need not be repeated.

*Fines.*

*Fines for delays in presentation and appearance.* Sections 25 and 34.—The fines for delays in presentation and appearance under sections 25 and 34 shall be regulated as follows:—

|  |   |
|--|---|
| When the delay does not exceed one week after the expiration of time allowed for presentation or appearance. | A fine equal to the proper registration fee.            |
| When the delay exceeds one week but does not exceed one calendar month.                                      | A fine equal to twice the proper registration fee.      |
| When the delay exceeds one month but does not exceed two months.   | A fine equal to five times the proper registration fee. |
| When the delay exceeds two months but does not exceed four months.   | A fine equal to ten times the proper registration fee.  |



### *Presentation.*

4. *Presentation of documents. Sections 32 and 52.*—All parties bringing documents for registration shall take them with the fees payable direct to the registering officer and not to one of his clerks or peons. If there is any informality attendant on this presentation of a nature which can be remedied, the registering officer shall give the parties such information as may be necessary and return the fees and the document with a view to its being presented again in due form. If, for instance, the document is presented in the wrong office, he will inform them where they should go. If the parties have come without the prescribed fee, if an agent has come without a power-of-attorney or without such a power as the Act requires, if the description of the property is insufficient to identify the same, if the document is one which ought to be accompanied by a translation and copy; or if it contains a map of which copy is required for filing in the file book, or if there are interlineations, alterations, erasures or blanks which are not attested, the registering officer will explain what is wanted. If, however, there are none of these obstacles to the reception of the document, or if the document is presented again after these objections have been removed, he shall at once endorse on it the date, hour and place of presentation and take the signature of the presenting party to such endorsement. He shall also examine the date of the document. If the prescribed period is passed, but the document is still admissible on payment of a fine, he shall, if he is a Sub-Registrar, suspend its registration, pending a reference to the Registrar. If the document is one chargeable with duty under the Indian Stamp Act, II of 1899, as in force in the Civil and Military Station of Bangalore, and is not duly stamped, it must be impounded under section 33 thereof and dealt with as required by section 38, subsection (2), registration being suspended. Prior to sending it to the Collector, however, the registering officer shall be at liberty to record the admission of the executant and the examination of his witnesses, if any, in cases in which the document may be presented by the executant himself or in which he may be present at the office at the time of its presentation. If the document is one dutiable under the Court Fees Act, VII of 1870, and is unstamped or is insufficiently stamped, it should be simply returned to the party presenting it (*vide* section 6 of the Act), in order that the stamp duty or the deficiency in the stamp duty may be made good.

5. *Information regarding stamp.*—If the executant of a deed who is in doubt about the proper stamp consults a registering officer on the subject before formal presentation, the required information may be given to him without impounding the deed. It will be explained to the executant at the same time that, if he wishes to obtain an authoritative opinion, he must apply to the Collector under section 31 of the Indian

Stamp Act, II of 1899, as in force in the Civil and Military Station of Bangalore.

6. *Executing parties. Sections 32 and 34.*—Any person who becomes surety for the repayment of a loan or the fulfilment of a contract and in that capacity affixes his signature to a document;

Any person who endorses a negotiable document;

And any person who signs a receipt or discharge endorsed on a document, shall be held to be an executing party.

In the case of documents purporting to be executed by an attorney, such attorney shall be held to be the executing party for the purpose of sections 32, 34, 35 and 58; but for the purposes of section 55, the principal and attorney shall be considered to be executing parties.

7. *Identification of parties admitting execution. Section 34.*—The identity of the parties appearing before the registering officer, should, if possible, be proved by the testimony of persons who are personally known to himself, or when this is not procurable, by the most trustworthy evidence which may be available. The attesting witnesses to a document need not necessarily be examined at all, as what is ordinarily required is not proof of execution but proof of identity. It may often be inconvenient to such persons to come in from their villages and they may after all be strangers or obscure persons with whose testimony the registering officer ought not to be satisfied.

8. *Identification by finger prints. Sections 34 and 35.*—The impression of the left thumb of the executant or executants of documents to be registered shall be taken in printer's ink off a flat piece of tin, copper or glass properly prepared for the purpose, and transferred both to the documents and to a blank register kept in the Registration Office. Against each impression in this register, the name of the party, the number of the deed in Books I, III, IV or V and the date shall be entered. The registering officer may require every executant and identifying witness who is not personally known to himself to affix such an impression both to the deed and the register in his presence whether he can write his name or not.

9. *Representatives. Section 34.*—The term "representative" as used in the Indian Registration Act, 1908, as in force in the Civil and Military Station of Bangalore, includes not only the guardian of a minor, and the committee or other legal curator of a lunatic or idiot but also the executors, administrators and heirs of a deceased person. Satisfactory proof of the right of any person to appear in any of these capacities must be adduced before he is permitted to admit or deny execution of any document presented for registration.

10. *Enquiry before registration. Section 34.*—It shall form no part of the registering officer's duty to enquire into the validity of the docu-

ments brought to him for registration or to attend to any written or verbal protest against the registration of a document, based on the ground that the executing party had no right to execute the document tendered for registration. But registration may be objected to on any of the following grounds:—

- (a) That the parties appearing or about to appear before the registering officer are not the persons they profess to be.
- (b) That the document is forged.
- (c) That the person appearing as a representative, assign or agent, has no right to appear in that capacity.
- (d) That the executing party is not really dead, as alleged by the party applying for registration.
- (e) That the executing party is a minor, an idiot or a lunatic.

11. *Enquiry to be generally public.* Section 34.—As a general rule, registration shall take place in public, but the registering officer may, on the application of the parties, and if he shall think proper, exclude the public during the course of any enquiry.

12. *Enquiry relating to documents executed by persons unable to read or understand the language used.* Section 34.—Documents executed by persons who are unable to read shall be read out, and, if necessary, explained to the parties. Documents written in a language not understood by the executing party, shall, in like manner, be interpreted to him.

*Enforcement of appearance.*

13. *Summonses.* Sections 36, 37 and 93.—Any person requiring a summons to be issued under section 36 shall deposit the process or peon's fee payable in such cases, as well as the amount of expenses to be paid to the person summoned. The sum so deposited shall be remitted by the registering officer to the District Judge, Civil and Military Station of Bangalore. If the person, without lawful excuse, fails to comply with the summons, the registering officer shall report the fact to the District Judge, Civil and Military Station of Bangalore, in view to steps being taken to enforce the attendance of such person under Order XVI, rules 10 to 13 and 17 and 18 of the Code of Civil Procedure.

14. *Receipts for documents and for fees.* Sections 52 and 61.—(i) A receipt shall be granted for each document presented for registration, for each power-of-attorney presented for attestation and for each sealed cover deposited and for every fee or fine levied by a registering officer.

An application for transfer of revenue registry presented with a document shall be acknowledged in the receipt for the document.

(ii) When the fees consist of several items, each item shall be separately entered both in the receipt and in the counterfoil so as to admit

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of any overcharge being traced. In the case of copying fees, the number of words shall be entered and, in the case of mileage, the number of miles.

(iii) The requisite entries shall be made both in the counterfoil and in the receipt, which shall be respectively initialled and signed by the registering officer.

(iv) The receipt for a document shall be handed to the person presenting the document or to his nominee, after obtaining in the counterfoil the signature of the presentant to the endorsement of nomination, and also the signature of the nominee if he can write, for the purpose of comparison when the nominee appears to take back the document.

(v) A separate receipt shall be given for each document even when two or more documents are presented simultaneously by the same person.

(vi) If a document is ready for transcription on the day of its presentation, the day and hour when it will be ready for return shall be endorsed on the receipt. In the case of a document retained pending an enquiry or a reference, the day and hour of return shall be communicated to the presentant or his nominee by a separate notice issued on the day when the document becomes ready for transcription. If, however, in the latter case the receipt is produced on the day when the document is ready for transcription and the document cannot be returned on that day, the information may be endorsed on the receipt itself. When a document is not ready for return on the date entered on the receipt or in the notice, the entry of that date shall, if the receipt or notice is produced before the registering officer, be cancelled and the probable later date on which the document will be ready shall be entered under the initials of the registering officer. Corresponding entries and corrections shall be made in the counterfoil.

(vii) A document shall, if possible, be returned on the date of its admission to registration.

(viii) In order to obtain delivery of a document the person entitled to claim back the same shall produce the receipt, and the registering officer shall thereupon obtain his signature to the acknowledgment in the counterfoil and return both the document and the receipt after endorsing on the latter the date of its return and initialling this entry. A person entitled to claim back a document who is known to the registering officer may obtain the return of a document by sending the receipt to the registering officer through a messenger with a requisition endorsed on the receipt and signed by himself for the delivery of the document to the messenger. The document may then be handed over to the messenger after his acknowledgment and thumb impression have been taken in the counterfoil of the receipt, the receipt being retained in the office and pasted to the counterfoil.

(ix) In the event of a receipt being lost, the person who should have produced it may receive the document on making and signing on the counterfoil a declaration of the loss and, if required by the registering officer, affixing his thumb impression thereto.

(x) When a nominee fails to take back a document within seven days from the date noted on the receipt as that on which it will be ready for delivery, the nomination may be revoked by the person by whom it was made, by an entry signed by him to that effect in the counterfoil and he shall in that case receive the document himself.

When a party to a document objects to its being returned to a person in whose favour the receipt has been drawn up, the objection shall not be allowed to prevail, unless such party can satisfy the registering officer, that he has applied to a competent Court for an injunction to restrain the registering officer from returning the document.

(xi) When an impounded document is received back from the Collector after adjudication of stamp duty, the registering officer shall immediately give notice in writing to the presentant or to the person authorised to take delivery of the document either to take steps to complete the registration of the document, or to take delivery of the document.

(xii) When proceeding to attend at a private residence the receipt book shall not be taken by the registering officer, but the requisite receipt may be detached from the counterfoil for issue to the party concerned, the entries in the counterfoil being made after return of the registering officer to his office. In such a case any nomination to take delivery of a document shall be obtained on a slip which shall be initialled and dated by the registering officer and pasted on to the counterfoil.

(xiii) Clauses (iv) to (xii) of the rule do not contemplate the return of a document by post but a document may be so returned if a presentant desires this course to be followed and at his own risk, subject to the following conditions:—

- (a) The presentant shall sign an endorsement on the counterfoil of the receipt authorising the return of the document by registered post to an address to be specified and shall deposit with the registering officer a suitable envelope on which shall be superscribed the address and to which postage stamps are affixed sufficient to cover the registration fee, the postage and the fee for obtaining the acknowledgment of the addressee.
- (b) The registering officer shall secure the envelope after causing the requisite entries to be made in a register maintained for the purpose.

- (c) When the registration of the document has been completed, the registering officer shall enclose the document in the envelope and post it and shall note the fact on the counterfoil.
- (d) The acknowledgment of the addressee shall, on receipt, be pasted to the counterfoil.
- (e) At each stage the corresponding entries shall be made in the register referred to in sub-clause (b).

15. *Searches. Section 57.*—The fee for a search shall entitle the applicant to read the entry for the finding of which the fee has been paid, or to have it read to him, but it shall not entitle him to take a copy of the entry. If a search should prove fruitless, the fee shall not be refunded, but the applicant shall, if he wishes it, receive a certificate stating that the entry sought for has not been found in the books.

16. *Certified copies. Section 57.*—In a certified copy every figure shall count as a word. If initials or abbreviations are used instead of words, every initial or abbreviation shall count as a word. Thus "A. D, 1866" will be equivalent to six words; "Bounded on the N. E." to five words; and "A. R. Thompson" to three words.

17. *Searches by Government Officers. Section 57.*—Government officers who may require to search the registers or to take copies of entries for *bonâ fide* public purposes shall be permitted to do so without payment of any fee.

18. *Requisition from the Courts for searches and copies or the production of documents and registers. Sections 46 and 57.*—In complying with any requisition made by a Court which involves a search or the preparation of a copy of any document, the registering officer shall forward to such Court a memorandum of the fees payable on that account, in view to the amount of such fees being remitted by the Court to the registering officer. In like manner, when a registering officer receives a summons to produce any register books in Court, he shall apply to the Court issuing the summons for the payment of the travelling and other expenses to be defrayed by him, or by any of his clerks, in passing to and from the Court.

19. *Hours of office. Section 69.*—The office of the Sub-Registrar shall be open for six hours daily, Sundays and holidays excepted. The usual hours shall be from 11 A.M. to 5 P.M., and if it be found necessary to change these hours a notice to that effect shall, with the approval of the Inspector-General, be affixed in the office for the information of the public.

Any registration office may be open, if necessary, for more than six hours.

*Residence of Registering Officers.*—A notice showing where the registering officer lives must be affixed outside every office.

21. *Holidays.* Section 69.—The same holidays shall be allowed in Registration offices as in all other Government offices.

22. *Destruction of unclaimed documents.* Sections 85 and 69.—All unclaimed documents, other than wills, may be destroyed with the sanction of the Inspector-General when the period allowed, *viz.*, two years, has been exceeded, unless the officer in whose custody they are should see some special reason for keeping them. In the event of a registered instrument being destroyed, a note showing the date on which it was destroyed shall be entered in the page of the volume in which it has been copied. In the event of the instrument being one of which registration has been refused, a similar entry shall be made in the page of Book II containing the order of refusal. Lists of documents lying unclaimed shall be hung up in every Registration office, and shall from time to time be published in the local Gazette. Notice shall also be given by letter, service bearing, addressed to the persons entitled to receive the documents lying unclaimed.

23. *Refusal to register.* Sections 71 and 76.—When registration is refused because the document has been presented in the wrong office or in an office in which the acceptance of the document is left to the discretion of the Registrar, no order of refusal shall be entered in Book II. In all other cases the reason, or if there is more than one reason, all the reasons for refusal shall be at once recorded. They will usually come under one or more of the following:—

- I. *Section 19.*—That the document is written in a language which the registering officer does not understand and which is not commonly used in the Station, and that it is unaccompanied by a true translation and a true copy.
- II. *Section 20.*—That it contains unattested interlineations, blanks, erasures or alterations.
- III. *Sections 21 (1) (2) and 22.*—That the description of the property is insufficient to identify it.
- IV. *Section 21 (3).*—That the document is unaccompanied by a copy or copies of any map or plan which it contains.
- V. *Sections 23, 24, 25, 72, 75 and 77.*—That it is presented after the prescribed time.
- VI. *Sections 32, 33, 40 and 43.*—That it is presented by a person who has no right to present it.
- VII. *Section 34.*—That the executing parties or their representatives, assigns, or agents have failed to appear within the prescribed time.

- VIII. *Sections 34 and 43.*—That the registering officer is not satisfied as to the identity of any person appearing before him, and alleging that he has executed the document.
- IX. *Sections 34 and 40.*—That the registering officer is not satisfied as to the right of any person appearing as a representative, assign or agent so to appear.
- X. *Section 35.*—That execution is denied by any person purporting to be an executing party or by his agent.
- XI. *Section 35.*—That the person purporting to have executed the document is a minor, an idiot, or a lunatic.
- XII. *Section 35.*—That execution is denied by the representative or assign of any deceased person by whom the document purports to have been executed.
- XIII. *Sections 35 and 41.*—That the alleged death of any person by whom the document purports to have been executed has not been proved.
- XIV. *Section 41.*—That the registering officer is not satisfied as to the fact of execution, in the case of any will or authority to adopt, presented after the death of the testator or donor.
- XV. *Section 42.*—That a cover containing a will is not sealed, or is not superscribed with the name of the testator and that of his agent (if any), and the nature of the document.
- XVI. *Sections 30, 25 and 34.*—That the prescribed fees or fines have not been paid.

24. *Registration of documents in which Sub-Registrar is interested. Section 30 (1).*—The Sub-Registrar is not authorized by law to refuse to register a document which has been executed by himself or in his own favour or because he is a party interested remotely or indirectly, in the transaction to which such document relates; nor is he authorized to refuse to authenticate powers-of-attorney granted for the registration of such documents; but he will always recommend the parties to present such document or power-of-attorney to the Registrar, who will, as provided in the table of fees, register such document without charging the usual extra fee. If the parties, after being recommended as above, insist on the Sub-Registrar registering a document in which he is interested, he must register it. In this case, he will immediately report the fact for the information of the Registrar.

*Fees and Fines.*

25. *Sections 78, 79 and 80.*—It is for the registering officer, who is responsible for levying the fee, to determine in the first instance what fee should be paid. After it has been paid, the presenting party may, if



he is dissatisfied, refer the question to the Registrar who shall, if he thinks there has been an over charge, order the Sub-Registrar to refund any excess. If the decision is adverse to the party, he may make a further reference to the Inspector-General.

26. (i) In the event of registration being refused, any fee or fine which may have been levied shall be refunded except fees for commissions, summonses, attendances and travelling allowances where such fees and allowances have been earned.

(ii) Every application for the remission of a fine or fee shall be lodged in the first instance with the registering officer who levied it, for submission to the sanctioning authority through the proper channel.

(iii) The Registrar may himself dispose of applications for the refund of fees or fines collected in excess or for work not performed by the department.

27. (i) Whether a document is admitted to registration or not, all fees or fines shall be at once brought to account and the collection shall be remitted to the Honourable the Resident's Treasury whenever they reach Rs. 100 and always on the last working day of the month.

(ii) A remittance to the treasury shall be accompanied by the challan book, duly filled up in duplicate, in view to one copy of each challan being returned signed by the treasury officer.

28. (i) A separate attestation fee shall be levied on every signature requiring authentication in a power-of-attorney executed by several persons provided that only one attestation fee shall be levied when a person executes a power-of-attorney both for himself and as guardian or agent of one or more other persons.

(ii) The duplicate or triplicate of the power-of-attorney presented for authentication shall be treated as a separate power and a separate attestation fee levied thereon.

29. *Fees for attending at private residences. Sections 78, 79 and 80.*—If the registering officer is required to attend at the same time and place for the purpose of attesting several signatures to a joint power-of-attorney, or of attesting several powers-of-attorney executed by one person only one attendance fee shall be levied.

30. *Documents executed by Government officers and other public functionaries. Section 88.*—Documents executed by a Government officer or by any one of the public functionaries named in section 88, as well as documents executed on the one part by such Government officer or public functionary and on the other part by any other person, shall not be admitted to registration unless they are presented at the proper Registration office by such other person or by a person claiming under the same or by the agent, representative or assign of any of

these persons, respectively, or unless they are forwarded for registration by the Government officer or public functionary executing the same.

## PART II.

### DEPARTMENTAL RULES.

31. *Seals. Section 15.*—The seal shall always remain in the personal custody of the registering officer. Care shall be taken to produce a distinct and legible impression with it, and for this purpose the pad and printing ink supplied for the purpose shall be used. The seal shall be used in authenticating:—

- (a) The certificate endorsed on a registered instrument under section 60.
- (b) Powers-of-attorney attested by a Registrar or Sub-Registrar under section 33.
- (c) Commissions issued under sections 33 and 38.
- (d) Certified copies of entries under section 57.
- (e) Copies of orders of refusal to register, granted under sections 71 and 76.
- (f) Copies granted to parties, of entries other than those above referred to.
- (g) Certificates granted to applicants as regards registered transactions affecting immoveable property.

If a registering officer should find himself temporarily unprovided with the prescribed seal, registration shall nevertheless go on as usual, and such documents as may be admitted to registration shall remain in the registering officer's custody until the seal can be affixed to the certificate.

32. *Forms, paging, &c., of registers. Sections 16 and 51.*—The registers shall be prepared in the forms hereunto appended. Books I and IV shall ordinarily contain 600 pages each; in other cases the Inspector-General shall certify the number of pages. Where necessary more than one volume may be used simultaneously for the registration of the documents, and the order in which documents shall be entered in each volume shall be determined by the registering officer with reference to such general instructions as may be given by the Inspector-General from time to time. Books II, III and V shall contain 120 pages each, except in cases where the Inspector-General certifies the number of pages. A file book shall also be supplied, corresponding with Book I and similarly paged. In it shall be filed all true copies and translations of documents received under sections 19 and 62, all copies of maps and plans mentioned in section 21, and copies of certificates re-

ceived under section 89. This volume shall have a number assigned to it in the general series of Book I, as soon as it is brought into use and when complete, it shall, if necessary, be bound.

33. *Supply of books and forms. Section 16.*—Books for registers and indexes will be supplied for the use of the Registrar and Sub-Registrar from the Office of the Inspector-General, by whom the number of pages contained in each book will be certified on the fly leaf. Every Registrar and Sub-Registrar shall, at all times, have a reserve supply consisting of one additional copy of each book, except registers Nos. II, III, and V, and will submit timely indents for further supplies. Every blank book shall be carefully examined by the registering officer on receipt, and if found incomplete it shall at once be returned to the officer from whom received, with a memorandum stating in what particulars it is defective. No officer should ever be unprovided with the requisite registers, but, if owing to any unavoidable accident, such a contingency should arise, instruments tendered for registration shall, nevertheless, be received as usual the necessary inquiries shall be held, and the prescribed endorsements shall be made. But as the certificate cannot be added until the instrument is copied into the register, the instrument must remain in the registering officer's custody until the process of registration has been completed.

34. *Notes of interlineations, erasures or alterations. Section 20.*—Notes of interlineations, erasures or alterations in documents or in endorsements thereon must be so prepared as to show precisely what word or words have been interlined, erased or altered. In the majority of cases, the simplest plan will be to underscore the particular word or words and to write the letters a, b, c, d, above with corresponding footnotes, preceded by the expression "in document," interlineations, etc.

(a) interlineation (or erasure, etc.).

35. *Notes of clerical errors. Section 20.*—If a word in the original is misspelt, or if a word is by mistake repeated, or if some word necessary to complete the sense is omitted, the error or omission may be indicated by under-scoring the word or words in which it occurs and by writing a letter or figure above, with a corresponding footnote,—

(a) Sic,

but no attempt shall be made to correct the error or supply the omission.

36. *Notes of blanks. Section 20.*—Sometimes a space is left in a document for a name, date or word which is never filled up. In such cases a letter or figure may be entered in the blank space with a corresponding footnote,—

(a) Blank.

37. *Notes of interlineations, etc., in the copy made in the register.*—Notes, similar to those mentioned in Rules 34 to 36, should be made also in regard to interlineations, erasures, alterations, etc., made in the copies of documents entered in the registers. The particular word or words interlined, erased, altered, etc., in the copy should be bracketted in black ink and the figures (1), (2), (3), (4), entered above them with corresponding footnotes, preceded by the expression, “in register, interlineations, etc.”

38. *Re-registration. Sections 24, 72, 75 and 77.*—In all cases of re-registration under section 24 and of registration ordered under sections 72, 75 and 77, the document shall be copied in the register in the column headed “copy of document” and the endorsement and certificate and registration as well as the endorsements of previous presentation and refusal, and certificate of registration shall be transcribed in the column of endorsement, so as to show in chronological order the several stages of procedure gone through in regard to it.

39. *Attendance at private residences. Section 31.*—If a registering officer acts under section 31, he must go in person, provided that it does not interfere with the regular business of the office. The Sub-Registrar shall report every such attendance to the Registrar, who shall satisfy himself that the special cause assigned was a sufficient cause, and the Sub-Registrar's absence from his office was not longer than was necessary.

40. *Powers-of-attorney. Section 33.*—(a) If a power-of-attorney is executed before a registering officer, he shall, after satisfying himself of the identity of the party appearing, authenticate it in the following form:—

Executed in my presence this \_\_\_\_\_ day  
of \_\_\_\_\_ 19\_\_\_\_, by A. B. who is personally known  
to me, or whose identity is proved by C. D.. (addition), and E. F.  
(addition).

*Signature.*

Seal.

(b) If the power-of-attorney has not been executed before the registering officer, but has been ascertained to have been voluntarily executed in the manner prescribed in section 33. the form of authentication shall be as follows:—

I certify that I have satisfied myself that this power-of-attorney has been voluntarily executed by the person purporting to be the principal.

*Date*

*Signature.*

Seal.

(c) If a document is presented for registration under a special power-of-attorney, the power shall be retained and filed in the office with the following endorsement:—

|                             |                       |
|-----------------------------|-----------------------|
| No.                         | of 19 .               |
| Presented with document No. | of 19 , of Book ,     |
| Vol.                        |                       |
|                             | A. B.,                |
| <i>Date</i>                 | <i>Sub-Registrar.</i> |

(d) If a document is presented for registration under a general power-of-attorney, the power shall be returned with the following endorsement:—

|                             |                       |
|-----------------------------|-----------------------|
| Presented with document No. | of 19 , of            |
| Book , Vol.                 | A. B.,                |
| <i>Date</i>                 | <i>Sub-Registrar.</i> |

(e) If the execution of a document, presented for registration by the claimant thereunder, is admitted by an agent under a power-of-attorney, the following endorsement shall be made on the power which will be retained and filed or returned according as it is a special or general power:—

|   |                       |
|---|-----------------------|
| Presented in connection with document No. |                       |
| of 19 of Book , Vol.                      |                       |
|   | A. B.,                |
| <i>Date.</i>                              | <i>Sub-Registrar.</i> |

(f) Although a power-of-attorney may be registered like any other instrument, it is not valid for registration purposes unless attested. When powers-of-attorney are brought to a Registration office by persons who do not understand the distinction between attestation and registration it will be the duty of the registering officer to explain the difference and to give such information as may be necessary to prevent the parties from being subjected to unnecessary expense by the registration of powers which need only to be attested.

(g) All special powers-of-attorney filed shall either be pasted in successive order into a book or bound up together, when sufficient in number to constitute a volume.

41. *Abstracts of powers-of-attorney.* Section 33.—Abstracts should be retained in every Registration office of all powers-of-attorney attested by registering officers under section 33, whether such powers are general or special, registered or not registered.

42. *Notes of interlineations, etc., in powers-of-attorney.*—All interlineations, blanks, erasures or alterations in powers-of-attorney authenti-

ated under section 33, should, at the time of authentication, be detailed in a footnote signed by the registering officer. When there are no interlineations, etc., the fact should be noted in the same way. This footnote will be copied in every case in the abstract kept under rule 41.

43. *Persons exempt from personal attendance. Sections 33 and 83.*—Persons exempt by law from personal attendance in Court are, under sections 142 and 133 of the Civil Procedure Code, Act V of 1908:—

(a) Gosha women, or women who according to the customs and manners of the country ought not to be compelled to appear in public.

(b) Persons of rank specially exempted by Government.

A list of persons so exempted shall be obtained from the Resident's Court by the Registrar, and communicated to the Sub-Registrar.

44. *Commissions.*—Commissions issued under section 33 and section 38 shall be prepared in the form hereunto appended and shall ordinarily be addressed by the registering officer to one of his clerks—*vide* also sections 76 and 76 and Order XXVI, rules 1—8 of the Civil Procedure Code.

(a) When the commission has been executed, the Commissioner shall return the document to the office from which it was issued with a report, which shall be endorsed on the document, in the following terms:—

"Having visited the residence of A. B., son of C. D., at  
I have this day examined the said A. B., who has been identified to my satisfaction by E. F., son of G. H., etc., residents of , and the said A. B. admitted (or denied) the execution of this document."

Thumb impression.

Full Signature of Executants.

Do. of Witnesses.

Do. of Commissioner.

(i) Where receipt of consideration is acknowledged before the Commissioner, he shall add the following clauses to his above report:—

"And acknowledged receipt of Rs. (or goods to be specified) being consideration in whole (or in part).

(ii) Where consideration is paid in the presence of the Commissioner he shall add the following to his report:—

"I also certify that Rs. (or goods to be specified), were paid (or delivered) in my presence to the said A. B. by.....

The signature of the payer also should be taken below this report as provided in the specimen form of endorsement in Appendix II B. and C.

On receiving the Commissioner's report, the registering officer shall, if satisfied as to the execution, make the following endorsement below it:—

"From the above report, I am satisfied that this document has been voluntarily executed by the said A. B."

Q. R.,

Date.

Registrar.

In the cases (i) and (ii) referred to above, the registering officer shall add to his endorsement the following:—

"For consideration of Rs. acknowledged to  
have been received by him (or for consideration of Rs.  
paid to him by in the presence  
of the Commissioner)."

(b) *Sections 33 and 38 of the Registration Act and Order XXVI, rule 17 of the Civil Procedure Code.*—A Commissioner may examine witnesses in the same manner as a registering officer, and persons refusing to give testimony to a Commissioner on being required to do so shall be subject to the penalties and punishments which they would incur for the same offence if committed in a registration office.

(c) It shall be competent to a registering officer to examine the Commissioner personally in his office touching any of the circumstances connected with the discharge of his commission, especially with reference to the voluntary nature of the admission of execution.

45. *Deposit and withdrawal of sealed covers. Sections 43 and 44.*—Every entry made in Book V under section 43, shall be dated and signed by the Registrar. When a sealed cover is withdrawn under section 44, the entry relating thereto, made in Book V, shall be signed by the person by whom the withdrawal is made as well as by the Registrar.

46. When a sealed cover containing a will is opened under section 45 the following endorsement shall be made on the will:—

"Having satisfied myself that the testator hereof is dead, the sealed cover containing this will is opened on the application and in the presence of (name and address) this day of 19 .."

A. B.,

Registrar.

"This will has been registered in Book III as No. of 19 ,  
volume , pages .

Date.

A. B..

Seal.

Registrar.





he may delegate this duty to one of his clerks. Both the copyist and the examiner shall sign the record and enter the words "copied by" or "examined by." If a register is under any special circumstance closed before it is full, a certificate shall be entered at the foot of the last entry stating that the book ends there. If one or more pages are by oversight left blank in any part of a volume, a certificate to that effect shall be entered in each page so left. And no additional pages shall on any pretence be inserted in any volume.

*52. Registration of receipts, discharges and transfers endorsed upon registered documents. Section 53.*—When an instrument is executed in the form of an endorsement written across or at the foot or back of an, previously registered document as in the case of an assignment of a lease or the transfer of any other interest or of a receipt or discharge acknowledging the receipt of consideration money or the receipt of any principal, interest, annuity, or other periodical payment secured by the registered instrument, such endorsement shall, if presented for registration, be numbered and registered as a separate instrument and a note shall be entered in the register showing that it was written across, or at the foot or back of such previously registered instrument. If the endorsement was made on an unregistered instrument, the instrument as well as the endorsement shall be copied in the register and a note entered below the certificate of registration and above the registering officer's signature to the effect that the endorsement alone was registered.

*53. Endorsements and certificates. Sections 3, 52, 53, 59 and 60.*—The endorsements prescribed in sections 52 and 53 and the certificate prescribed in section 60 shall be written in the registering officer's own hand in the form herunto appended, or as near thereto as circumstances permit, unless he has been specially authorized by the Inspector-General to use endorsement stamps under rule 54. An executing party shall be required to use the same language in signing the endorsement which he has used in signing the instrument.

If there is not sufficient blank space in the instrument for the endorsements and certificate, they may be entered on a covering slip or rider. In that case, a note to that effect shall be entered on the instrument itself and signed by the registering officer.

When a document occupies more than one sheet of paper, the number of the sheet, the number of the document of which the sheet forms a part, the seal and signature of the registering officer, shall be endorsed on every sheet.

*54. Endorsement stamps. Sections 3, 52, 53, 59 and 60.*—The Inspector-General may specially authorize any registering officer to use stamps for making, on documents presented for registration, the endorsements and certificate prescribed by sections 52, 53 and 60. The stamps to be used must be obtained on indent from the Inspector-General's office

and must be kept in the personal custody of the registering officer and be kept in a sealed bag when not in use. The endorsements must be impressed on the documents by the registering officer himself, and no one else may, on any account whatever, be allowed to handle them. The endorsements and certificate must be signed and the blank spaces therein must be filled in by the registering officer in his own hand and stamps may not be used for affixing signature.

55. *Indexes.* Section 55.—Indexes Nos. I, II, III and IV shall be prepared, lettered alphabetically, and shall contain the particulars shown in the forms hereunto appended. They may be prepared either in English or the Vernacular at the option of the registering officer, but no change shall be made in a language once adopted except at the beginning of a calendar year. If the indexes are kept in English, the transliteration of native names of persons and places shall be regulated by the transliteration table\* hereunto appended, except in the case of names which have become stereotyped by long usage in a conventional form. All names shall be entered in full. Initials shall not be used. If a person is known under two names each shall be separately indexed. All names of persons shall be indexed with reference to the initial letter of the surname or house-name where such exists. When it does not exist, the indexing must be regulated by the initial letter of the person's name, his village name, or any other distinguishing name which he bears being entered afterwards if he is a Hindu, and if a Muhammadan any such prefixes as Syed, Mir, Shaik, Ghulam or such affixes as Beg, Khan, Shareef. If a native woman bears the house-name of her husband, father, etc., the indexing shall be with reference to the initial letter of the house-name, otherwise with reference to the initial letter of her own name. The names of companies, banks, etc., shall be entered under the initial letter of the first word of the name omitting "The" as "The Land Mortgage Bank of India" under L. All instruments to which Government is a party shall be indexed together under the letter G, one or more pages being specially set aside for these entries. English names if indexed in the vernacular shall be indexed as they would be written in the vernacular, as Wilson under V., Wright under R., Knox under N. The names of all persons executing documents shall be entered in one column and the names of all persons claiming under documents in another column. In indentures, deeds of partition, and similar instruments, the fact that the party claiming under the document is also an executing party shall be indicated by writing the name across both these columns. In the case of instruments executed by, for, or in favour of Government or a Company, Bank, Religious Society, Pagoda, etc., in the name of any persons representing or acting on behalf of Government, or the Company, Bank, etc.,

\* Not reprinted.

shall be entered in the column headed Addition of person. Index II shall also contain a reference in red ink to the last previous registration of any instrument affecting the same property, if such previous registration be known.

In the case of a will or an authority to adopt, the names of the testator or the donor shall be entered in column 1, and of the executors or other persons appointed thereunder in column 2, followed by the words "Executor or Person appointed thereunder" in brackets.

56. *Copies of Indexes. Section 56.*—A copy of Indexes I, II, III and IV shall be prepared by the Sub-Registrar simultaneously with the original, and sent to the Registrar not later than the 15th of the following month, who shall ascertain that it is properly prepared and legibly written, and, if necessary, return any of the sheets for correction or explanation. If there are errors which he has power to rectify under section 68, he shall issue the necessary order. If there are errors which cannot be remedied, he shall nevertheless point them out in order that they may not be repeated. The Registrar shall then forward not later than the 15th of the next following month the Sub-Registrar's index sheets in original to the Inspector-General's office for inspection and such further orders as may be deemed necessary together with a copy of his instructions as also a copy of his own index entries for the past month, accompanied by a memorandum specifying the number of sheets belonging to each office. The indexes will, after examination in the Inspector-General's office, be returned to the Registrar to be recorded in his office. When all the indexes of the Sub-Registrar have been examined and arranged in order, they shall be bound in volumes containing each about 500 pages. The set of volumes containing Index I shall be distinct from the set of volumes containing Index II. If an index is bound up in parts, the title page shall show which part and what letters the volume contains. If several sets of indexes are bound up in a single volume, each shall be preceded by a title page showing the number of the index, the year and the office to which it relates. The same particulars shall also be shown on a label affixed to the back of each volume.

57. *Oaths. Section 63.*—If in any special case an oath appears necessary, it may be administered to Christians, Jews and Parsees in the following form:—

"The evidence which you shall give shall be the truth, the whole truth, and nothing but the truth. So help you God."

The following form of affirmation may be administered to Hindus and Muhammadans under the Indian Oaths Act:—

"I solemnly affirm in the presence of Almighty God that what I say shall be the truth, the whole truth, and nothing but the truth."

58. *Record of substance of statements.* Section 63.—When execution is admitted and the endorsement is signed by the party admitting execution, and when witnesses are examined merely with reference to the identification of the parties appearing, the prescribed endorsement is itself a sufficient record. But a record of substance of statements shall be kept in the following cases:—

- (a) When execution is denied.
- (b) When a person admitting execution refuses to sign the endorsement.
- (c) When any enquiry is held as to the death of a deceased executing party.
- (d) When any enquiry is held as to the right of any person to appear as the executor, administrator or heir of a deceased person or as the guardian of an infant or as the curator of a lunatic or idiot.
- (e) When any enquiry is held as to the age of any person appearing to be a minor or the sanity of any person appearing to be a lunatic or an idiot.
- (f) When any enquiry is held regarding the cause of presentation of documents or the appearance of parties after the prescribed period.
- (g) When any enquiry is held as to the addition of any person owing to the addition not appearing either in the document or in the endorsement.
- (h) When any enquiry is held under the second clause of section 41 as to the fact specified therein, in respect of a will or authority to adopt, presented for registration after the death of the testator or the donor as the case may be.
- (i) When any enquiry is held under section 74 as to the fact of the execution of a document.
- (j) And generally in all cases in which a record may seem necessary.

All such notes, with the exception of those under (h) and (i) which will be kept with the record of the enquiry, shall be recorded in a book, which shall be kept for that purpose in every registration office.

59. *Arrears of work.* Sections 68 and 69.—In the event of the Sub-Registrar failing to forward his returns or copies of indexes on the prescribed date or allowing any other arrears to accrue, the payment of pay to his office may be suspended.

60. *Neglect in collecting fees or fines.* Sections 68 and 19.—In the event of any registering officer registering a document without collecting the prescribed fee or fine, he shall, unless specially exempted by the Inspector-General, be required to make good any amount which he may fail to recover from the parties.

61. *Registration in a wrong book. Section 68.*—In the event of a document being inadvertently registered in a wrong book, the registration shall stand, but the Registrar may direct that the document with the endorsement and certificate thereon shall be copied into its appropriate register without further charge.

A certificate should be endorsed on the document below the former certificate to the following effect:—

“ Registered again under rule 61 in Book I, Volume , pages .

62. *Custody of books and other records. Section 69.*—The office of the Registrar and that of the Sub-Registrar shall be provided with one or more good almirahs, substantially made and fitted with locks. Except during office hours, all registers, indexes, documents and other records shall be locked up in these almirahs, and the key shall remain in the possession of the registering officer. No person shall be permitted to remove any of the registers from the office, and every precaution shall be taken to protect them from the ravages of white ants, accidents from fire and injury from damp.

63. *Custody of sealed covers and wills which have been opened. Sections 16 and 69.*—The key of the fire-proof safe in which sealed covers and wills which have been opened are deposited shall remain in the personal custody of the Registrar. Every officer assuming charge of a Registrar's office, either permanently or temporarily, shall compare the sealed covers and wills which have been opened with the entries in the Register of Deposits of Wills and Authorities to adopt, and shall report either that they all are correct, or that certain sealed covers or wills are missing.

64. The following records may be destroyed after the expiration of three years from the period to which they relate:—

- (1) Receipts for documents under sections 52 and 61.
- (2) Monthly returns and routine correspondence.

The sanction of the Inspector-General must be obtained for the destruction of all books or papers, and no books, papers or documents shall be destroyed either under this rule or under rule 22 without the sanction of the Inspector-General being obtained.

65. *Prosecutions. Section 83.*—The Sub-Registrar shall forward to the Registrar a full report of every prosecution instituted by him under section 83.

66. *Inspection of Sub-Registrar's books, etc.*—The Registrar shall once in a year about six months after the annual inspection which shall be held in April every year, send for the registers and indexes of the Sub-Registrar for examination in his office noting the date of examination after the last entry with his signature. The books should not be

detained beyond 3 or 4 days, and until they are received back by the Sub-Registrar he shall receive and retain in his personal custody any document that may have been presented in the interval for registry, making on it the requisite endorsements, etc., without delay. The Registrar will forward to the Inspector-General copies of the notes made, and of the orders issued by him with reference to such examinations.

67. The forms appended hereto shall be adopted in the respective offices as far as possible.

## APPENDIX I.

## FORMS OF REGISTERS AND INDICES.

*Book I.—Register of non-testamentary documents relating to immove-  
able property.*

| No. of Instrument. | Date of the Instrument. | Copy of Instrument.  | Copy of Endorsement and Certificate. |
|--------------------|-------------------------|--|--------------------------------------|
| 1                  | 2                       | 3  | 4                                    |
|                    |                         | Value of Stamp<br>Rs.      As.<br>Reference to book registration<br>Book No.      Vol.<br>P. No. |                                      |

*Book II.—Record of Reasons for Refusal to Register.*

| No. | Value of stamp. | Date of document. | Date and hour of presentation. | Names of parties who presented the instruments for registration. | Names of executants. | Names and addresses of persons examined. | Particulars of the instrument and the names of all claimants and attesting witnesses. | Reasons for refusal. | Orders issued on appeal. |
|-----|-----------------|-------------------|--------------------------------|--|----------------------|--|---|----------------------|--------------------------|
| 1   | 2               | 3                 | 4                              | 5  | 6                    | 7  | 8   | 9                    | 10                       |

500 CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Orders  
under Acts locally applied.)

*Book III.—Register of Wills and Authorities to adopt.*

| Number<br>of the<br>instrument. | Number in<br>Book V. | Name and<br>addition of<br>testator<br>or<br>donor. | Names and<br>additions of<br>persons<br>examined. | Copy of the<br>instrument. | Copy of<br>endorsements<br>and<br>certificates. |
|---------------------------------|----------------------|---|---|----------------------------|---|
| 1                               | 2                    | 3   | 4   | 5                          | 6   |
|                                 |                      |   |   |                            |   |

*N.B.*—The notes required to be made in Registrar's Office under sections 45 and 46 of the Registration Act will be entered in column of "Copy of endorsements and certificates".

*Book IV.—Miscellaneous Register.*

| Number of the<br>instrument. | Date of the<br>instrument. | Copy of the Instrument.  | Copy of<br>endorsements and<br>certificates. |
|------------------------------|----------------------------|--|--|
| 1                            | 2                          | 3  | 4  |
|                              |                            | Value of Stamp<br>Rs.      As.<br>References to back<br>Registration<br>Book No.<br>Vol.    P. No. |  |

**CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Orders 501  
under Acts locally applied.)**

*Book V.—Register of Deposits of Wills.*

|    |   |          |  |
|----|---|----------|--|
| 1  | Number  |          |  |
| 2  | When presented  | Date     |  |
|    |   | Hour     |  |
| 3  | Name and addition of testator   |          |  |
| 4  | Whether presented in person or by agent   |          |  |
| 5  | Nature of instrument  |          |  |
| 6  | Name and addition of agent, if any  |          |  |
| 7  | Superscription on sealed cover  |          |  |
| 8  | Inscription on the seal   |          |  |
| 9  | Persons testifying to the identity of testator or agent   | Name     |  |
|    |   | Addition |  |
| 10 | Date of application to withdraw sealed cover  |          |  |
| 11 | Name of applicant   |          |  |
| 12 | Persons testifying to the identity of applicant   | Name     |  |
|    |   | Addition |  |
| 13 | Date of delivery of sealed cover to applicant and the signatures of the applicant and the registrar |          |  |
| 14 | Number of document in Book III  |          |  |





|   |                   |           |   |       |                                   |       |  |       |                      |       |                                   |       |              |              |   |                   |           |   |       |                                   |       |  |       |                      |       |                                   |       |              |              |
|---|-------------------|-----------|---|-------|-----------------------------------|-------|--|-------|----------------------|-------|-----------------------------------|-------|--------------|--------------|---|-------------------|-----------|---|-------|-----------------------------------|-------|--|-------|----------------------|-------|-----------------------------------|-------|--------------|--------------|
| <p>(Rule 14) Receipt under section 52 of Act XVI of 1908, the Indian Registration Act.</p> <p>Received from _____ a document which will be registered as document No. _____ in Register Book No. _____</p> <p>The document will be ready for return on _____</p> <p style="text-align: right;"><i>Memo. of fees paid.</i></p> <table border="0" style="width: 100%;"> <tr> <td style="width: 80%;">Registration fees</td> <td style="width: 20%; text-align: right;">Rs. A. P.</td> </tr> <tr> <td>Fees for excess in words (No. of words) _____</td> <td style="text-align: right;">_____</td> </tr> <tr> <td>Fees under section 35 or 34 _____</td> <td style="text-align: right;">_____</td> </tr> <tr> <td>Fees for attendance at private residence _____</td> <td style="text-align: right;">_____</td> </tr> <tr> <td>Searching fees _____</td> <td style="text-align: right;">_____</td> </tr> <tr> <td>Copying fees (No. of words) _____</td> <td style="text-align: right;">_____</td> </tr> <tr> <td style="text-align: right;"><b>Total</b></td> <td style="text-align: right;"><b>_____</b></td> </tr> </table> <p>BANGALORE: _____<br/>19 _____<br/>Sub-Registrar.</p> | Registration fees | Rs. A. P. | Fees for excess in words (No. of words) _____ | _____ | Fees under section 35 or 34 _____ | _____ | Fees for attendance at private residence _____ | _____ | Searching fees _____ | _____ | Copying fees (No. of words) _____ | _____ | <b>Total</b> | <b>_____</b> | <p>Receipt under section 52 of Act XVI of 1908, the Indian Registration Act.</p> <p>Received from _____ a document which will be registered as document No. _____ in Register Book No. _____</p> <p>The document will be ready for return on _____</p> <p style="text-align: right;"><i>Memo. of fees paid.</i></p> <table border="0" style="width: 100%;"> <tr> <td style="width: 80%;">Registration fees</td> <td style="width: 20%; text-align: right;">Rs. A. P.</td> </tr> <tr> <td>Fees for excess in words (No. of words) _____</td> <td style="text-align: right;">_____</td> </tr> <tr> <td>Fees under section 35 or 34 _____</td> <td style="text-align: right;">_____</td> </tr> <tr> <td>Fees for attendance at private residence _____</td> <td style="text-align: right;">_____</td> </tr> <tr> <td>Searching fees _____</td> <td style="text-align: right;">_____</td> </tr> <tr> <td>Copying fees (No. of words) _____</td> <td style="text-align: right;">_____</td> </tr> <tr> <td style="text-align: right;"><b>Total</b></td> <td style="text-align: right;"><b>_____</b></td> </tr> </table> <p>BANGALORE: _____<br/>19 _____<br/>Sub-Registrar.</p> | Registration fees | Rs. A. P. | Fees for excess in words (No. of words) _____ | _____ | Fees under section 35 or 34 _____ | _____ | Fees for attendance at private residence _____ | _____ | Searching fees _____ | _____ | Copying fees (No. of words) _____ | _____ | <b>Total</b> | <b>_____</b> |
| Registration fees   | Rs. A. P.         |           |   |       |                                   |       |  |       |                      |       |                                   |       |              |              |   |                   |           |   |       |                                   |       |  |       |                      |       |                                   |       |              |              |
| Fees for excess in words (No. of words) _____   | _____             |           |   |       |                                   |       |  |       |                      |       |                                   |       |              |              |   |                   |           |   |       |                                   |       |  |       |                      |       |                                   |       |              |              |
| Fees under section 35 or 34 _____   | _____             |           |   |       |                                   |       |  |       |                      |       |                                   |       |              |              |   |                   |           |   |       |                                   |       |  |       |                      |       |                                   |       |              |              |
| Fees for attendance at private residence _____  | _____             |           |   |       |                                   |       |  |       |                      |       |                                   |       |              |              |   |                   |           |   |       |                                   |       |  |       |                      |       |                                   |       |              |              |
| Searching fees _____  | _____             |           |   |       |                                   |       |  |       |                      |       |                                   |       |              |              |   |                   |           |   |       |                                   |       |  |       |                      |       |                                   |       |              |              |
| Copying fees (No. of words) _____   | _____             |           |   |       |                                   |       |  |       |                      |       |                                   |       |              |              |   |                   |           |   |       |                                   |       |  |       |                      |       |                                   |       |              |              |
| <b>Total</b>  | <b>_____</b>      |           |   |       |                                   |       |  |       |                      |       |                                   |       |              |              |   |                   |           |   |       |                                   |       |  |       |                      |       |                                   |       |              |              |
| Registration fees   | Rs. A. P.         |           |   |       |                                   |       |  |       |                      |       |                                   |       |              |              |   |                   |           |   |       |                                   |       |  |       |                      |       |                                   |       |              |              |
| Fees for excess in words (No. of words) _____   | _____             |           |   |       |                                   |       |  |       |                      |       |                                   |       |              |              |   |                   |           |   |       |                                   |       |  |       |                      |       |                                   |       |              |              |
| Fees under section 35 or 34 _____   | _____             |           |   |       |                                   |       |  |       |                      |       |                                   |       |              |              |   |                   |           |   |       |                                   |       |  |       |                      |       |                                   |       |              |              |
| Fees for attendance at private residence _____  | _____             |           |   |       |                                   |       |  |       |                      |       |                                   |       |              |              |   |                   |           |   |       |                                   |       |  |       |                      |       |                                   |       |              |              |
| Searching fees _____  | _____             |           |   |       |                                   |       |  |       |                      |       |                                   |       |              |              |   |                   |           |   |       |                                   |       |  |       |                      |       |                                   |       |              |              |
| Copying fees (No. of words) _____   | _____             |           |   |       |                                   |       |  |       |                      |       |                                   |       |              |              |   |                   |           |   |       |                                   |       |  |       |                      |       |                                   |       |              |              |
| <b>Total</b>  | <b>_____</b>      |           |   |       |                                   |       |  |       |                      |       |                                   |       |              |              |   |                   |           |   |       |                                   |       |  |       |                      |       |                                   |       |              |              |
| <p><b>ENDORSEMENT.</b><br/>(To be printed on back.)</p>   |                   |           |   |       |                                   |       |  |       |                      |       |                                   |       |              |              |   |                   |           |   |       |                                   |       |  |       |                      |       |                                   |       |              |              |
| <p>NOMINATION UNDER SECTION 61 OF ACT XVI OF 1908.<br/>document mentioned on the reverse.<br/>Date _____ is authorised to receive the<br/>Signature and thumb impression<br/>Signature and thumb impression<br/>of the nominee.<br/>I acknowledge the receipt of the document registered<br/>as No. _____ of Book No. _____<br/>Dated _____ Signature of presenting party or<br/>nominee or messenger.</p>  |                   |           |   |       |                                   |       |  |       |                      |       |                                   |       |              |              |   |                   |           |   |       |                                   |       |  |       |                      |       |                                   |       |              |              |

### MISCELLANEOUS.

**To**

X

**Y**

upon the interrogatories hereunto attached, and to return this commission with the examination of the said \_\_\_\_\_ to this office on or before the \_\_\_\_\_ day of \_\_\_\_\_.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_

19

**Signature.**

Seal.

ENDORSEMENTS AND CERTIFICATES UNDER SECTIONS 52, 58, 59, 60, 61 AND 62 OF THE REGISTRATION ACT.

(i) (When the executant or claimant presents the document in person.)

Presented on the \_\_\_\_\_ at \_\_\_\_\_ in the Office  
of the \_\_\_\_\_ (or at the private  
residence of A. B.) by the undersigned.

(Signed) A, B. (with addition).

The undersigned admits the execution (and receipt of Rs. being consideration in whole or in part) of this document.

Thumb impression. (Signed) A. B. (with addition).

(ii) (When execution is admitted, but signature refused.)

A. B. (with addition) admits the execution of this document, but refuses to endorse it to that effect.

*Registering Officer's signature.*

\_\_\_\_\_

CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Orders 505  
under Acts locally applied.)

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(iii) (When the identity of the executant is known to the Registering Officer.)

The identity of the executant is known to the undersigned.

*Sub-Registrar.*

(iv) (When the identity of the executant is unknown to the Registering Officer but testified by witnesses.)

The executant (or his representative as the case may be) A. B. (with his addition in full) is well known to C. (with his additions) who certify in my presence to the identity of the executant (or his representative) and sign this endorsement as identifying witnesses.

*Signature of the identifying witnesses in full.*

*Registering Officer's signature.*

(v) (When a witness has been examined for any other purpose under section 63, the substance of his evidence should be briefly noted in the margin of the Register Book with his signature, and the following endorsement shall be made on the document.)

The undersigned person has been examined in reference to this document.

*Signature and addition of the witness.*

(vi) (When consideration is acknowledged.)

A diamond ring delivered in my presence by A. B. and C. D. to E. J. and Rs. 750 paid by E. J. to A. B. and C. D., who both admit having received the remaining Rs. 250 referred to in this document.

C. H. admits having received Rs. , being part (or whole) of the consideration named in this document.

*Registering Officer's signature.*

*Date.*

*Form of Certificate.*

Registered as No. 106 of Book No. , volume , pages  
to

Fee paid Rs.

*Registering Officer's signature.*



*Date.*

(vii) (When the document is presented by a representative, assign, or agent of executant or claimant with power to present for registration or to admit execution.)

Presented on the \_\_\_\_\_  
at \_\_\_\_\_ in the office of the \_\_\_\_\_  
by the undersigned under a power-  
of-attorney produced, dated \_\_\_\_\_, and attested  
by \_\_\_\_\_, authorising the undersigned to (either present  
or to admit execution, as the case may be, on behalf of \_\_\_\_\_).

*Signature and addition of Representative,  
Assign or Agent.*

*Sub-Registrar's Signature.*

The undersigned representative, assign or agent admits the execu-  
tion of this document on behalf of \_\_\_\_\_ under a power-of-attorney  
dated \_\_\_\_\_ and authenticated by \_\_\_\_\_  
Thumb impression. \_\_\_\_\_

*Signature and addition of Representative,  
Agent or Assign.*

(viii) (When a document executed by A. B. and C. D. at different  
times has been presented for re-registration under section 24.)

Presented again on the \_\_\_\_\_  
at \_\_\_\_\_ in the office of the \_\_\_\_\_  
for registration under section 24 by the undersigned C. D.

*Signature and addition of C. D.*

(ix) When a document is registered under an order of Court, under  
section 77

(the first entry will be).

Presented on the \_\_\_\_\_  
at \_\_\_\_\_, the office of the Sub-Registrar of \_\_\_\_\_  
by the undersigned under an order of the Civil  
Court of \_\_\_\_\_ No. \_\_\_\_\_  
of \_\_\_\_\_

*Signature of the Sub-Registrar.*

[Gazette of India, 1913, Pt. II, p. 269.]

**CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Orders 507  
under Acts locally applied.)**

*Fees.*

<sup>1</sup>No. 131, dated the 12th August, 1878.—It is hereby notified for general information that the following revised table of registration fees [for the Civil and Military Station of Bangalore] sanctioned by the Government of India, Home Department, under date the 12th July 1878, will be brought into force from 1st September 1878.

**TABLE OF REGISTRATION FEES WITH RULES UNDER SECTION 78 OF ACT III  
OF 1877.**

The registration fees payable to the several offices of registration in [the Civil and Military Station of Bangalore] shall be as follows:—

| I. For registration of documents of the classes registrable in Book I relating to immovable property:—                                       |  | <i>Rs. a. p.</i> |     |
|--|--|------------------|-----|
| (a) When the value of the document does not exceed Rs. 50  |  | 0                | 8 0 |
| (b) Exceeding Rs. 50 but not exceeding Rs. 100   |  | 1                | 0 0 |
| (c) " Rs. 100 " " Rs. 200  |  | 2                | 0 0 |
| (d) " Rs. 200 " " Rs. 500  |  | 3                | 0 0 |
| (e) " Rs. 500 " " Rs. 1,000  |  | 4                | 0 0 |
| (f) And for each additional Rs. 500 or part thereof  |  | 1                | 0 0 |
| (g) When the value of the document is not specified  |  | 5                | 0 0 |
| (h) Certified copies of decrees, orders of Courts and awards (Section 17, Clause i)  |  | 2                | 0 0 |
| II. For registration of wills and authorities to adopt, Book III:—   |  |                  |     |
| (a) If presented open [Sections 17 and 18, clause (e)]   |  | 3                | 0 0 |
| (b) For entering in Book III (Section 45) the contents of a sealed cover containing a will deposited (Section 42), copying fee per 100 words |  | 0                | 4 0 |
| III. For optional registration of documents registrable in Book IV (Section 15, clauses d and f) not relating to immovable property:—        |  |                  |     |
| (a) When the value of the document does not exceed Rs. 50  |  | 0                | 8 0 |
| (b) Exceeding Rs. 50 but not exceeding Rs. 100   |  | 1                | 0 0 |
| (c) " Rs. 100 " half the amount of fee prescribed for a like value in clause I for registration in Book I.                                   |  | 5                | 0 0 |
| (d) When the value is not specified  |  | 5                | 0 0 |
| IV. For registration of sealed covers, Book V—   |  |                  |     |
| (a) For deposit and entry in Book V of a sealed cover purporting to contain a will (Section 42)  |  | 3                | 0 0 |
| (b) Withdrawal of a sealed cover (Section 44)  |  | 3                | 0 0 |
| (c) Application under section 45 to open a sealed cover deposited under Section 42 (in addition to copying fee, vide Clause II (b))          |  | 2                | 0 0 |
| V. Registration by a Registrar (Section 30, clause a) extra fee  |  | 5                | 0 0 |
| VI. Registration by the Registrar of [the Civil and Military Station of] Bangalore (Section 30, clause b) extra fee                          |  | 10               | 0 0 |
| VII. Preparation of a memorandum of a document under Section 64, 65 or 68  |  | 1                | 0 0 |
| (a) Additional copies of such memorandum per 100 words   |  | 0                | 4 0 |

<sup>1</sup> Footnote No. 1 on page 476 says it applies equally to this notification.

508 CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Orders  
under Acts locally applied.)

|   | Rs. a. p. |
|---|-----------|
| VIII. Search (Section 57) . . . . .   | 1 0 0     |
| IX. Granting certified copies or extracts from Registers,<br>Indexes or any documents (Sections 57 and 76)<br>per 100 words . . . . .   | 0 4 0     |
| X. Attesting power-of-attorney, special (Section 33) . . . . .  | 1 0 0     |
| XI. Attesting power-of-attorney, general (Section 33) . . . . .   | 2 0 0     |
| XII. Filing a translation (Section 19) . . . . .  | 1 0 0     |
| XIII. Filing certificates issued under the Land Improvement<br>Act of 1871 (Section 89) . . . . .   | No fee.   |
| XIV. For attendance of registering officers at private residences<br>(Sections 31, 33 and 38) . . . . .   | 10 0 0    |
| XV. For the issue of a commission (Sections 33 and 38) . . . . .  | 10 0 0    |
| (a) If the service of a female is required, additional<br>fee as remuneration for her . . . . .   | 5 0 0     |
| (b) If a Registrar be required to visit a private<br>residence, his remuneration (per mile) . . . . .   | 0 8 0     |
| (c) If a Sub-Registrar be required to visit a private<br>residence, his remuneration (per mile) . . . . .   | 0 4 0     |
| (d) Other persons deputed to take an examination (per<br>mile) . . . . .  | 0 4 0     |
| XVI. For the safe custody and return of documents:—   |           |
| (a) For each month or part of a month during which a<br>registered document is left unclaimed in a regis-<br>tering office after the expiration of one month<br>from the date of its registration (to be paid before<br>delivery of the document) . . . . .   | 1 0 0     |
| NOTE.—The Inspector-General of Registration may, in his<br>discretion, remit the fee when it appears to him<br>that its exaction would be productive of injustice<br>or hardship.   |           |
| (b) For the transmission of a registered document at<br>the request of the presenter. Peon's batta (per<br>five miles or part of five miles (to be levied at<br>the time of presentation) . . . . .   | 0 2 0     |
| XVII. On all documents registered if containing more than 300<br>words an additional fee at the rate of 4 annas per<br>100 words or fraction of 100 words shall be charged<br>for the number above 300.   |           |
| XVIII. All copies of registered documents, endorsements, and<br>certificates required to be transmitted from one<br>office to another under the provisions of sections<br>65, 66 and 67 shall be prepared at the expense<br>of the parties applying for registration at the<br>rate of 4 annas per 100 words. |           |
| XIX. If a document tendered for registration has one or more<br>schedules appended to it they shall be charged for<br>at the above rate according to the aggregate<br>number of words contained in them.  |           |
| XX. When a duplicate or counterpart of a document or lease<br>is registered at the same time as the original, the<br>registration of such duplicate or counterpart shall<br>be charged for at the above rate.   |           |

RULES.

1. In leases of immovable property where the period is specified, the total rent payable for the whole period shall be the value (clause I).
2. In leases where the period is not specified, the aggregate amount payable for a term of five years shall be the value (clause I).

3. In cases where the amount of rent payable is not specified, or where payment is to be made in kind without specification of value, the fee shall be Rs. 5 (clause I (g) of the table).

4. No searching or copying fees (clauses VIII and IX) should be charged when a Government Officer searches a register, or takes a copy for *bona fide* public purposes.

5. No extra fee (clause V) shall be levied when an English document is registered before the Registrar of a district solely in consequence of the language in which it is written being unknown to the Sub-Registrar by whom it is properly registrable, or solely in consequence of the Sub-Registrar being a party interested in the transaction to which such deed relates.

6. The fee of Rs. 10 for the issue of a commission or for attending at a private residence (clauses XIV and XV) should be levied in addition to any fee that may be chargeable for any other act performed on the occasion.

7. One attendance or commission fee of Rs. 10 (clauses XIV and XV) shall be levied if several persons at the same time and place are examined with reference to the same instrument or instruments in which they are all concerned or where they execute a joint power or several powers-of-attorney; but in the last case the attestation fee must be levied on each power.

8. If a single power-of-attorney be executed by several individuals who require the registering officer's attendance at different places or at different times both the attestation fee and the attendance fee (clauses X, XI and XIV) shall be levied from each executant.

9. If a power-of-attorney be brought for attestation and registration is also requested and insisted on, although unnecessary, it should be registered and both fees (clauses I and X or XI) must be levied.

10. If several persons intending to execute a joint power-of-attorney appear together, at the Registration Office, only one attestation fee (clause X or XI) shall be levied although the instrument may have been prepared in such a form as to require the registering officer's signature more than once. But if the parties appear at the office and execute it on different days or at different hours of the same day, the attestation fee shall be levied on each occasion.

11.       \*       \*       \*       \*       \*       \*

12. When a copy of instrument has to be sent to the Registrar of another district, such copy should be charged for at the rate of four annas per 100 words, and a fee equivalent to that chargeable under the rates of such district for each memorandum issuable under Section 66 must be levied and remitted to the Registrar.



13. If a person applying for a certified copy is able to specify the number and year of the instrument or the page and volume of the book in which it is entered the fee for a certified copy (clause IX) shall alone be levied, but if a search is necessary the fee for a search (clause VIII) must be levied as well as that for a certified copy.

14. In a certified copy every figure shall count as a word. If initials or abbreviations are used instead of words, every initial or abbreviation shall count as a word. Thus "A. D., 1866" will be equivalent to six words; "Bounded on the N. E." to five words; and "A. R. Thompson" to three words.

15. No charge shall be made for granting copies of reasons for refusal when given by a Sub-Registrar.

[Mysore Gazette, 1878, Pt. I, p. 214.]

INDIAN ELECTRICITY ACT, 1910.

Rules.

No. 4069, dated the 29th July, 1905.—In exercise of the powers conferred by section 33 of the Indian Electricity Act, 1903 (III of 1903),<sup>1</sup> as applied to the Civil and Military Station of Bangalore, the Hon'ble the Resident in Mysore, with the previous sanction of the Governor-General in Council, is pleased to make the following rules applicable to the said Civil and Military Station, to regulate the generation, supply and use of energy, and generally to carry out the purposes and objects of the said Act<sup>2</sup>:—

PRELIMINARY.

1. *Definitions*.—In these rules, unless there is anything repugnant in the subject or context—

- (a) the expression "ampere" has the meaning assigned to it in the Order in Council No. 211 of 1894, made under the Weights and Measures Act, 1889 (52 & 53, Vict., c. 21);
- (b) the expression "consumer's wires" means any electric conductors on a consumer's premises which are connected with the service lines of the licensee at the consumer's terminals;
- (c) the expression "current" means an electric current;
- (d) the expression "cut out" means any appliance for interrupting the transmission of energy through any conductor when

<sup>1</sup> See now the Indian Electricity Act, 1910 (IX of 1910), as applied by Notification No. 261-J., dated the 24th April, 1929, *supra*, p. 39.

<sup>2</sup> For the license granted to the Chief Electrical Engineer to the Government of His Highness the Maharaja of Mysore for the purpose of general supply of electrical energy in respect of the Civil and Military Station, Bangalore, see Notification No. 3, dated the 29th January, 1907, confirmed in Notification No. 12, dated the 6th April, 1907, *Gazette of India*, 1907, Pt. II, pp. 233 and 545.

the current rises above the amount which the conductor is intended to transmit and includes a safety fuse or other automatic disconnector;

- (e) the expression "feeder" means a portion of any main used to convey energy from the source of supply to the point or points where it is distributed for use;
- (f) the expression "generator" means the dynamo or dynamos or other electrical apparatus used for the generation of energy;
- (g) the expression "motor" means any electric motor used for the conversion of energy;
- (h) the expression "pressure" means the difference of electric potential between any two conductors through which a supply of energy is given or between any part of either conductor and the earth: and the expressions "low-pressure," "high-pressure," and "extra high-pressure" are used in relation to electric supply-lines, conductors, circuits and apparatus according to the conditions of the supply delivered through the same or particular portions thereof; that is to say—
  - (i) where the conditions of the supply are such that the pressure in any trolley line or other conductor, used in direct electrical and mechanical connection with any tram-car, may at any time or under any condition of the supply exceed 600 volts, but cannot exceed 3,000 volts, the supply shall be deemed to be a "high-pressure supply;"
  - (ii) where the conditions of the supply are such that the pressure in any main, used for purposes other than electric traction, may at any time exceed 600 volts if continuous, or 300 volts if alternating, but cannot exceed 3,000 volts whether continuous or alternating, the supply shall be deemed to be a "high-pressure supply;"
  - (iii) where the conditions of the supply are such that the pressure may, on any system, exceed 3,000 volts, the supply shall be deemed to be an "extra high-pressure supply;"
- (i) the expression "ohm" has the meaning assigned to it in the Order in Council referred to in clause (a);
- (j) the expression "the Act" means the Indian Electricity Act, 1903 (III of 1903), as applied to the Civil and Military Station of Bangalore;
- (k) the expressions "transformer," "transformed," and "transforming" are used in relation to any appliance by means

of which energy of higher potential is converted to energy of lower potential, or *vice versa*; and

- (1) the expression "volt" has the meaning assigned to it in the Order in Council referred to in clause (a).

2. Where these rules require any metallic body to be "efficiently connected with earth" such body shall be connected with the general mass of earth in such manner as will ensure at all times an immediate and safe discharge of energy.

## RULES AS TO THE SUPPLY OF ENERGY TO THE PUBLIC OR FOR ELECTRIC TRACTION UNDER PART II OF THE ACT.

### AS TO LICENSES.

3. *Application for license.*—(1) Every application for a license shall be made in writing and shall be signed by, or on behalf of, the applicant and addressed to the Local Government.

(2) Every such application shall be headed by a short title descriptive of the proposed undertaking, and shall be accompanied by—

- (a) three copies of the draft license as proposed by the applicant, with the annexure or annexures (if any) referred to therein;
- (b) a copy of the map of the district or town published on a scale of not less than six inches to a mile, or, if there is no such published map, then a copy of the best map procurable, showing the boundaries of the proposed area of supply and the streets and other places in, over, or along which it is proposed to place any electric supply-lines or other works;
- (c) a statement describing any lands which the applicant proposes to acquire for the purpose of the license under the provisions of the Land Acquisition Act, 1894, as applied to the Civil and Military Station of Bangalore;
- (d) a list of any local authorities in whose districts the area of supply is situate;
- (e) a list of any canals and navigable rivers which the applicant seeks power to cross;
- (f) if the applicant is a company registered under any of the enactments relating to companies for the time being in force in the United Kingdom, or in any of the Colonies or Dependencies thereof, or in British India, or incorporated by an Act of Parliament or of the Governor-General in Council, or by Royal Charter or Letters Patent, a copy of the memorandum and articles of association.

4. *Copies of map and draft license for public inspection.*—The applicant shall also deposit at his own office or at that of his agent's and at the office of every local authority within the proposed area of supply—

- (a) a copy of the map referred to in rule 3, sub-rule (2), clause (b), for public inspection; and
- (b) a sufficient number of copies of the draft license to be furnished to all persons applying for them at a price not exceeding one rupee per copy.

5. *Form of draft license.*—(1) The draft license shall be in print, printed on one side only of the paper, and each annexure shall begin a new page.

(2) The name and address of the applicant for the license and of his agent (if any) shall be printed on the outside of the draft.

6. *Contents of draft license.*—The draft license shall contain the following particulars, namely—

- (a) the address and description of the applicant;
- (b) a description of the proposed area of supply;
- (c) a statement of the purposes for which the proposed supply is to be given;
- (d) a general description of the proposed works and system of supply;
- (e) a list of streets not repairable by the Local Government or by a local authority, and of railways, tramways and bridges, which the applicant seeks power to open, break up or interfere with;
- (f) a list of the canals and navigable rivers which the applicant seeks power to cross;
- (g) the proposed conditions of supply, including maximum prices, nature and amount of supply (if limited), and the like;
- (h) the proposed terms and conditions of purchase by any local authority concerned, and the periods after which the right to purchase is to endure; and
- (i) any proposed modifications of the schedule to the Act to be made with the previous sanction of the Governor-General in Council, under section 4, sub-section (7), clause (f) thereof.

7. *Local enquiries.*—Where any person locally interested objects to the grant of a license applied for under these rules, the Local Government shall, if either the applicant or the objector so desires, hold a local enquiry of which due notice shall be given:

Provided that the Local Government may refuse to hold such an enquiry if, in its opinion, the objection is of a trifling or vexatious nature.

8. *Amendment of draft license.*—Where a local authority, company, or person desires to have any clause inserted or other amendment made in the draft license, a statement of the same shall be delivered to the applicant, and also to the Local Government, within the time limited for objecting.

9. *Copies of license for public inspection.*—When a license has been granted under section 3 of the Act and delivered to the applicant, he shall forthwith deposit printed copies for public inspection in all the offices referred to in rule 4, and shall furnish copies to all persons applying for the same at a price not exceeding one rupee per copy, and shall further publish the same in such manner as the Local Government may direct.

10. *Application for written consent of Local Government to breaking up street, etc., to be also in writing.*—Where a licensee desires the written consent of the Local Government under section 12, sub-section (4), of the Act to enable him to open or break up any street not repairable by a local authority, or any railway or tramway, application for such consent shall be made in writing and shall describe accurately the street, railway, or tramway which the applicant seeks power to open or break up, and the extent to which he proposes to open or break up the same.

#### AS TO THE PROTECTION OF PERSONS AND PROPERTY.

##### *Inspection and Testing.*

11. *Entry and inspection.*—(1) Where a license has been granted under section 3 of the Act any Electric Inspector appointed under the Act may enter, inspect and examine any place in which the Inspector has reason to believe that there are any appliances or apparatus, other than meters on consumers' premises, used by the licensee in the generation or supply of energy.

(2) The licensee shall afford at all times all reasonable facilities to any such Inspector to make such examinations and tests as may be necessary to ensure the due observance of the Act, the license and these rules; and shall, if and when required, forward to such Inspector all records of tests made by him under these rules.

12. *Testing appliances and apparatus.*—The licensee shall provide all means for carrying out tests prescribed by or under the Act of the appliances or apparatus used in the generation or the supply and use of energy.

13. *Pressure of supply to consumers.*—The pressure of a supply delivered to any one consumer, other than a tramway company, shall not exceed 250 volts at any two terminals, within reach of one another, and not under the sole control of the licensee, except with the written approval of the Local Government, which shall be given only on the joint application of the consumer and the licensee and subject to such further conditions as the Local Government may prescribe:

Provided that the licensee shall be deemed to have complied with the requirements of this rule so long as the pressure does not exceed the limit laid down in this rule by more than the amount of variation authorized under rule 71.

14. *Pressure of supply to transforming apparatus.*—The pressure of a supply delivered to a transforming station, or to a transforming apparatus, on a consumer's premises may exceed 250 volts, but shall not exceed the limits of high-pressure, except with the written approval of the Local Government, which shall be given only on the joint application of the consumer and the licensee, and subject to such further conditions as the Local Government may prescribe.

15. *Earthing of metallic protection of insulating materials.*—Where the insulating material on any electric supply-line is protected wholly or partly by an external metallic covering, such metallic covering shall be efficiently connected with earth.

16. *Insulation test of mains.*—Every low pressure main shall be tested by the licensee for insulation after having been placed in position, and before it is used for the purposes of supply, the testing pressure being at least double the maximum working pressure; and the licensee shall record the results of the tests of each main or section of a main or distributing main.

17. *Leakage.*—Suitable means shall be provided by the licensee for the immediate indication and localisation of leakage, and every leakage shall be remedied without delay.

18. *Protection from lightning.*—(1) Where any portion of an electric supply-line or any support for an electric supply-line is exposed in such a position as to be liable to injury from lightning, the licensee shall adopt efficient means for protecting it against injury.

(2) Lightning arresters shall be capable of supporting successive discharges without attention.

*High-pressure and extra high-pressure supply.*

19. *Testing of insulation of high-pressure or extra high-pressure circuit.*—(1) No high pressure circuit shall be brought into use unless the insulation of every part thereof has withstood the continuous application during one hour of pressure equal to, or exceeding, the maximum pres-

sure to which it is intended to be subjected in use to the following extent, that is to say,—

- (a) in the case of every high-pressure electric supply-line, machine, device or apparatus, 50 per cent. greater than the said maximum pressure, or
- (b) in the case of extra high-pressure supply, equal to the said maximum working pressure in each case.

(2) The licensee shall make, and record the results of, every test prescribed by this rule.

20. *Safety devices for the protection of consumers' wires.*—In every case in which a high-pressure supply is transformed for the purpose of supply to one or more consumers, the best available automatic and quick-acting means shall be provided by the licensee to protect the consumer's wires from any accidental contact with, or leakage from, the high-pressure system, either within or without the transforming apparatus.

*Aërial lines.*

21. *Minimum size of conductors of aerial lines.*—The sectional area of the conductor, if of copper, in an aerial line shall not be less than the area of a No. 10 wire of the British Standard Wire Gauge, or, if of any other material, of such sectional area as to be of equivalent tensile strength.

22. *Maximum intervals between supports.*—The conductors of every aerial line shall be attached to supports at intervals not exceeding the following spans, namely:—

- (i) for a line of copper conductors of total section not exceeding one quarter of a square inch, or equivalent weight of wires of other metals, 200 feet;
- (ii) for a line of copper conductors of total section one-quarter to one-half of a square inch, or equivalent weight of wires of other metals, 175 feet; and
- (iii) for a line of copper conductors of total section exceeding one-half of a square inch, or equivalent weight of wires of other metals, 150 feet:

Provided that in any specific instance where, in the opinion of an Electric Inspector appointed under the Act, the circumstances do not admit of it, this rule shall not apply:

Provided also, that the Local Government may in any license, or by order in writing, modify this rule to such extent as it may think fit.

23. *Construction and erection of supports.*—(1) Every support of an aerial line shall be of a durable material, firmly erected and, where

necessary, properly stayed against forces due to wind pressure, change of direction of the line, or unequal lengths of span.

(2) The factor of safety of the aerial line shall, at the minimum temperature of the locality, be at least four, and the factor of safety of all other parts of the structure at least four under all conditions, the maximum possible wind pressure being taken at 50 lbs. per square foot.

(3) For cylindrical bodies, such as posts and wires, the effective area shall be taken as two-thirds of the total area exposed to pressure.

(4) Every support, if of metal, shall be efficiently connected with earth in so far as the nature of the ground in which the support is fixed makes this practicable.

24. *Height from ground and distance from buildings.*—Subject to the provisions of rules 64 and 65, no conductor of an aerial line shall be at a less height from the ground than 20 feet or within 5 feet measured horizontally or 7 feet measured vertically from any building or erection other than a support for the line, unless it has been brought into a building for the purpose of supply:

Provided that the Local Government may, by order in writing, permit any modification of this rule which it may consider necessary.

25. *One side of street only to be occupied.*—Except with the written approval of the Local Government and of the telegraph authority, aerial lines shall be carried along only one side of a street.

26. *Service lines from aerial lines.*—(1) Aerial service lines shall be led as directly as possible to insulators firmly attached to some portion of the consumer's premises and (unless surrounded or guarded by a suitable metallic guard efficiently connected with earth) at a distance not less than 5 feet therefrom.

(2) Such service lines shall not be accessible to any person without the use of a ladder or other special appliance, and from the point of attachment they shall be enclosed and protected in accordance with rules 42 to 44 as to a licensee's lines on a consumer's premises.

27. *Angle of crossing street.*—(1) Where an aerial line, other than a trolley wire for electric traction, crosses a street, the angle between the line and the direction of the street at the place of crossing shall be not less than 60 degrees, and there shall be no joint in any wire at the place of crossing.

(2) Where the width of the street exceeds 30 feet, a support shall be erected by the licensee on each side of it and the space between the supports shall be as short as practicable.

(3) This rule shall not apply to service lines protected with a device, approved by the Local Government, for rendering any line harmless in case it breaks: and where the rule applies, the Local Government may,



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by order in writing, permit any modification of it which it may consider necessary.

28. *Crossing wire.*—(1) Where an aerial line crosses, or is in proximity to, an aerial line belonging to another licensee, or to any telegraph wire not protected with a permanent insulating covering, adequate precautions shall be taken by the licensee against the possibility of his line coming into contact with the other line or wire, or of the other line or wire coming into contact with his line, by breakage or otherwise.

(2) The guarding of aerial lines shall be carried out in such manner as the Local Government, after consultation with the telegraph authority, may, by general or special order, in any case direct.

(3) A licensee shall not commence the supply of energy through any aerial line until it has been guarded and protected, as required by sub-rules (1) and (2), wherever it crosses, or is crossed by, any existing aerial line or telegraph wire.

(4) On receiving notice that a new aerial line or telegraph wire is, or will be, erected across an existing aerial line, the licensee shall arrange to have his line guarded at such place within 15 days of the receipt of the notice, and in such case the actual expense incurred in erecting the guard wires shall be refunded to the licensee by the owner of the new aerial line or telegraph wire.

(5) Where an aerial line crosses, or is liable to be blown on to, a metal roof or other metallic substances, efficient means shall be taken by the licensee to prevent the electrical charging of the same in case of accident; and there shall be no joint in any such span of an aerial line.

29. *High pressure and low-pressure aerial lines not allowed on same supports.*—(1) Except with the written consent of the Local Government, high-pressure and low-pressure aerial lines shall in no case be carried on the same supports, unless when they cross one another.

(2) Whenever a high-pressure aerial line crosses a low-pressure aerial line, it shall pass above the low-pressure aerial line and in a direction as nearly at right angles as the nature of the case admits, and the provisions of rule 28 shall apply.

30. *High-pressure and extra high-pressure aerial lines.*—The following precautions shall be taken by the licensee with regard to high-pressure and extra high-pressure aerial lines, namely:—

(a) Arrangements shall be made to prevent any person from climbing up such a support without the use of a ladder or special device.

- (b) Where the high-pressure conductors cross over a public road, railway or canal, a suitable device shall be fitted up to render any wire harmless, if it should break.
- (c) Stay wires on any such support shall be broken electrically below the line wires by the interposition of suitable strain insulators, unless efficiently connected with earth through a suitable earth plate.

31. *Suspending wires.*—(1) Every high-pressure aerial line, if continuously covered with insulating material, shall be efficiently suspended by means of insulating ligaments to suspending wires, so that the weight of the line may not produce any sensible stress in the direction of its length.

(2) All suspending wires, if of iron or of steel, shall be galvanised.

32. *Maintenance.*—Every aerial line, including the supports thereof and all the structural parts and electrical appliances and devices belonging thereto or connected therewith, shall be duly and efficiently supervised and maintained by the licensee as regards both electrical and mechanical conditions.

33. *Unused aerial lines to be removed.*—The licensee shall not leave an aerial line erected after it has ceased to be used for the supply of energy, unless he intends within a reasonable time again to take it into use.

*Electric supply-lines and apparatus other than aerial lines.*

34. *Crossing metallic substances.*—Where an electric supply-line crosses, or is in proximity to, any metallic substance precautions shall be taken by the licensee against the possibility of the metallic substance becoming charged.

35. *Precautions against charging.*—Where isolated lengths of metal conduits, pipes or casings are used for the protection of any electric supply-line at road-crossings or in similar positions, special precautions shall be taken by the licensee to prevent the possibility of any electrical charging thereof.

36. *Precautions in case of bare underground conductors.*—(1) Where the conductors of electric supply-lines placed in any conduit are not continuously covered with insulating material, they shall be secured in position, and no unfixed uninsulated material of a conducting nature shall be contained in the conduit, nor shall the pressure in such conductor be higher than 500 volts.

(2) Adequate precautions shall also be taken by the licensee to insure that no accumulation of gas or water shall take place in any part of the conduit, and to prevent any dangerous access of moisture to the conductors or insulators.

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(3) The insulators shall be so disposed that they can be readily inspected.

(4) The restriction in sub-rule (7) as to pressure shall not apply where an aerial line is taken into a conduit for the purpose of passing through an embankment or similar obstruction, but in such a case no low-pressure conductor may be laid in the same conduit with a high-pressure or extra high-pressure one.

37. *High-pressure electric supply-lines laid above ground.*—Every portion of a high pressure electric supply-line (not being an aerial line) placed above the surface of the ground or in any sub-way not in the sole occupation of the undertakers, shall be completely enclosed either in a tube of highly insulating material embedded in brickwork, masonry, or concrete, or in a strong metal casing efficiently connected with earth.

38. *High-pressure electric supply-lines laid under ground.*—Where a high-pressure electric supply-line is laid beneath the surface of the ground, efficient means shall be taken by the licensee to render it impossible that the surface of the ground or any neighbouring electric supply-line or conductor shall become charged by leakage therefrom.

39. *Transforming stations.*—(1) Transforming stations, which are not on a consumer's premises, shall be established in suitable places in the sole occupation and charge of the licensee.

(2) The covers and frames and other metallic parts (other than parts of the electrical circuit) of all high-pressure and extra high-pressure apparatus of every description shall be either efficiently connected with earth, or, if insulated, so placed and arranged that it is impossible for any person to obtain a shock to earth from them.

40. *Street-boxes and junction pillars.*—(1) The cover of every street-boxes\* and junction pillar shall be so secured that it cannot be opened except by means of a special appliance.

(2) The covers of all street-boxes and junction pillars containing high-pressure apparatus other than cables shall be connected with strips of metal laid immediately beneath the adjacent roadway, and efficient means shall be taken to render it impossible that the covers or other exposed parts of any such street-box, or any adjacent material forming the surface of the street shall become electrically charged, whether by reason of leakage, defect or otherwise.

(3) Where street-boxes are used as transformer chambers, reasonable means shall be taken by the licensee to prevent, as far as possible, any influx of water either from the adjacent soil or by means of pipes, and, in the case of any such street-box exceeding one cubic yard in capacity, ample provision shall be made, by ventilation or otherwise,

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\* *Sic.* Read "street-box."

for the immediate escape of any gas which may by accident have obtained access to the street-box and for the prevention of danger from sparking.

(4) Every street-box shall be regularly inspected for the presence of gas, and, if any influx or accumulation is discovered, the licensee shall give immediate notice to the authority or company (if any) whose gas mains are laid in the neighbourhood thereof.

*Licensees' lines on consumer's premises.*

41. *Responsibility of licensee for his conductors on consumer's premises.*—The licensee shall be responsible that all electric conductors, fittings and apparatus belonging to him, or under his control, which may be upon a consumer's premises, are maintained in a safe condition and in all respects fit for supplying energy.

42. *Main fuses or disconnectors to be provided in locked receptacles.*—(1) A suitable cut-out shall be inserted in each service line within a consumer's premises (not being the neutral wire of a multiple wire system), as close as possible to the point of entry and contained within a suitable locked or sealed receptacle of fireproof construction throughout, and shall be under the sole control of the licensee, except in cases where the service line is protected by fuses at the point of connection with the distributing main.

(2) If the receptacle is of porcelain or some other substance liable to be easily broken, it shall be suitably protected against injury, and such protection shall also be fireproof.

43. *Service lines on consumer's premises.*—So much of any service line as is not an aerial line and is placed on a consumer's premises shall be highly insulated and enclosed either in an electrically continuous metallic covering efficiently connected with earth or in a tube of porcelain or earthenware.

44. *Transformers and high-pressure apparatus to be enclosed in masonry or metal.*—Where the general supply of energy is a high pressure supply and transforming apparatus is installed on a consumer's premises, the whole of the high-pressure service lines, conductors, and apparatus, including the transforming apparatus itself, so far as they are on the consumer's premises, shall be completely enclosed in solid walls or in a strong metal casing efficiently connected with earth, and shall be securely fastened throughout.

45. *Connection to consumer's premises not to be made where leakage would result.*—The licensee shall not connect the wires and fittings on a consumer's premises with his mains unless he is reasonably satisfied that the connection will not cause a leakage from those wires and fittings exceeding one five-thousandth part of maximum supply current to

the consumer's premises; and, where the licensee declines to make such a connection, he shall serve upon the consumer a notice stating his reasons for so declining.

46. *Discontinuance of supply on discovery of leakage on consumer's premises.*—(1) If the licensee is reasonably satisfied, after making all proper examination by testing or otherwise, that a leakage exists at some part of a circuit of such extent as to be a source of danger, and that such leakage does not exist at any part of a circuit belonging to the licensee, then any person authorized in writing by the licensee in accordance with the provisions of the Act in this behalf, or, on the application of the licensee, an Electric Inspector appointed under the Act may, for the purpose of discovering whether the leakage exists at any part of a circuit within or upon any consumer's premises, after giving the consumer reasonable notice in writing, inspect and test the wires and fittings belonging to the consumer and forming part of the circuit.

(2) Where the licensee obtains the services of an Electric Inspector under this rule, he shall pay such fee as the Local Government may fix in this behalf.

(3) If on testing in manner referred to in sub-rule (1), the person authorized by the licensee or the Electric Inspector as aforesaid discovers a leakage from the consumer's wire exceeding one five-thousandth part of the maximum supply current to the premises, or if the consumer does not give all reasonable facilities for inspection and testing, the licensee may forthwith discontinue the supply of energy to the premises in question, giving immediate notice of the discontinuance to the consumer, and need not recommence the supply until he is reasonably satisfied that the leakage has been stopped.

47. *Appeal to Electric Inspector.*—(1) Where a consumer is dissatisfied with the action of a licensee in refusing to give, or in discontinuing, or in not recommencing, the supply of energy to his premises, the wires and fittings of such consumer may, on his application and on payment of such fee as the Local Government may fix in this behalf, be tested for the existence of leakage by an Electric Inspector appointed under the Act.

(2) This rule shall be endorsed on every notice given under the provisions of rule 45 or rule 46.

*Arc lighting.*

48. *Isolation switch.*—An isolation switch shall be provided for every arc lamp connected with any high-pressure electric supply-line, and the switch shall be of such pattern and construction as will provide—

- (a) that the lamp can by its means be entirely disconnected from the supply circuit;

- (b) that the switch itself can be safely worked in the dark without special precautions;
- (c) that there shall be no danger of any injurious electrical arcing, sparking, or heating being caused by the operation of the switch; and
- (d) that, where the switch is accessible without the use of a ladder or special appliance, it shall be in a locked metallic receptacle efficiently connected with earth.

AS TO ELECTRIC TRACTION (CONTINUOUS CURRENT).

49. *Continuous current.*—Every dynamo used as a continuous current generator shall be of such pattern and construction as to be capable of producing a continuous current without appreciable pulsation.

50. "*Line*," "*return*," and "*trolley wire*."—(1) One of the two conductors used for transmitting energy from the generator to the motor (hereinafter referred to as a "*line*") shall in every case be insulated from earth.

(2) The other conductor (hereinafter referred to as a "*return*") may be insulated throughout, or may be uninsulated in such parts and to such extent as is provided in the following rules.

(3) A suspended aerial line from which energy is transmitted into a car, is hereinafter referred to as a "*trolley wire*."

51. *Insulation of return.*—(1) Where any rails on which cars run, or any conductors laid between or within three feet of such rails, form any part of a return, such part may be uninsulated.

(2) All other returns or parts of a return shall be insulated, unless of such sectional area as will ensure compliance with rule 55.

52. *Bonding of return.*—(1) Where an uninsulated conductor forms any part of a return, it shall be of such section, and the several lengths shall be so connected together, as to ensure compliance with rule 55.

(2) Where an uninsulated conductor is laid between, or within three feet of, the rails, it shall be electrically connected with the rails at distances apart not exceeding 100 feet by means of copper strips having a sectional area of at least one-sixteenth of a square inch, or by other means of equal conductivity.

53. *Return to be negative and earthed.*—(1) Where any part of a return is uninsulated, it shall be connected with the negative terminal of the generator, and in such case the negative terminal of the generator shall also be directly connected, through the current indicator hereinafter mentioned, with two separate earth connections, which shall be placed not less than twenty yards apart:

Provided that in lieu of two such earth connections, the licensee may make one connection with a main for water-supply of not less than three

inches internal diameter, with the consent of the owner of the main and of the person supplying the water:

Provided, also, that where, from the nature of the soil or for any other reason, the licensee can show, to the satisfaction of an Electric Inspector appointed under the Act, that such earth connections as are required by this sub-rule cannot be constructed and maintained without unreasonable expense, the provisions of this rule shall not apply.

(2) The earth connections required by sub-rule (1) shall be constructed, laid, and maintained so as to secure electrical contact with the general mass of earth, and so that the resistance from one earth connection to the other through the earth shall not exceed two ohms; and a test shall be made by the licensee at least once in every month to ascertain whether this requirement is complied with.

(3) No portion of either earth connection shall be placed within six feet of any pipe, other than a main for water-supply of not less than three inches internal diameter which is metallically connected with the earth connection with the consent of the owner of the main and of the person supplying the water.

(4) Where the generator is at a considerable distance from the tramway, the uninsulated return shall be connected with the negative terminal of the generator by means of an insulated return, and the generator shall have no other connection with the earth; and in such case the end of the insulated return connected with the uninsulated return shall be connected also through a current-indicator with two separate earth connections or, with the necessary consents, with a main for water-supply, or, with the like consents, with both in the manner prescribed in this rule.

(5) If the current-indicator cannot conveniently be placed at the connection of the uninsulated return with the insulated return, this instrument may consist of an indicator at the generating station connected by insulated wires with the terminals of a resistance interposed between the return and the earth connection or connections. The said resistance shall be such that the maximum current laid down in rule 54, sub-rule (1), clause (i), shall produce a difference of potential not exceeding one volt between the terminals. The indicator shall be so constructed as to indicate correctly the current passing through the resistance when connected with the terminal by the insulated wire above-mentioned.

54. *Earth return current.*—(1) Where the return is partly or entirely uninsulated, the licensee shall, in the construction and maintenance of a tramway,—

- (a) so separate uninsulated return from the general mass of earth and from any pipe, metallic structure or substance in the vicinity,

- (b) so connect together the several lengths of the rail,
- (c) adopt such means for reducing the difference produced by the current between the potential of the uninsulated return at any one point and the potential of the uninsulated return at any other point, and

- (d) so maintain the efficiency of the earth connections specified in the preceding rules,

as to fulfil the following conditions, namely:—

- (i) the current passing from the earth connections through the indicator to the generator, or through the resistance to the insulated return, shall not at any time exceed either two amperes per mile of single tramway line or 5 per cent. of the total current output of the station; and
- (ii) the difference of potential between the uninsulated return and any pipe, metallic structure, or substance in the vicinity shall not exceed five volts, when the return is relatively positive, or two volts, when the return is relatively negative.

(2) In order to provide a continuous indication that the condition specified in sub-rule (1), clause (i), is complied with, the licensee shall provide a suitable recording amperemeter, and shall keep it connected during the whole time that the line is charged.

(3) The owner of any pipe, metallic structure or substance in the vicinity of an uninsulated return may, in respect of the same, require the licensee at reasonable times and intervals to ascertain by test in his presence, or in that of his representative, whether the condition specified in sub-rule (1) clause (ii) is complied with; and, if such condition as aforesaid is found to be complied with, all reasonable expenses of and incidental to the carrying out of the test shall be borne by the owner, but if otherwise, by the licensee.

55. *Difference of potential on return.*—(1) Where the return is partly or entirely uninsulated, a continuous record shall be kept by the licensee of the difference of potential during the working of the tramway between the points of the uninsulated return furthest from and nearest to the generating station.

(2) If at any time the difference of potential is found to exceed five volts, the licensee shall thereafter make a daily report to the Local Government, or to such officer as the Local Government may appoint in this behalf, of the result of the previous day's test, and, if at any time it exceeds the limit of seven volts, the licensee shall take immediate steps to reduce it below that limit:



Provided that the Local Government may, in its discretion, relax the provisions of this rule in localities where it may consider it unnecessary strictly to enforce them.

56. *Isolation of sections.*—Except with the written approval of the Local Government, the line wire shall be divided up into sections not exceeding one mile in length, between every two of which there shall be inserted an emergency switch, so enclosed as to be inaccessible to the public.

57. *Leakage on other than conduit system.*—(1) The insulation of the line and of the return when insulated and of all feeders and other conductors, shall be so maintained that the leakage current shall not exceed one-hundredth of an ampere per mile of tramway.

(2) The leakage current shall be ascertained daily by the licensee before or after the hours of running when the line is fully charged.

(3) If at any time it is found that the leakage current exceeds one-half of an ampere per mile of tramway, the leak shall be localised and removed as soon as practicable, and the running of the cars shall be stopped unless the leak is localised and removed within twenty-four hours:

Provided that this rule, shall not apply in any case in which the cars are placed within a conduit.

58. *Variations in the current.*—In the construction and working of the cars care shall be taken to provide for as gradual variation of the current as is practicable.

59. *Records.*—(1) The licensee shall, so far as may be applicable to his system of working, keep the following records, namely:—

*Daily records.*

Number of cars running.

Maximum working current.

Maximum working pressure.

Maximum current from the earth connections, as prescribed by rule 54, sub-rule (1), clause (c).

Leakage current, as prescribed by rule 57, sub-rule (1), and rule 67, clause (d).

*Monthly records.*

Condition of earth connections as prescribed by rule 53, sub-rule (2).

*Occasional records.*

Any tests made under the provisions of rule 54, sub-rule (3).

Daily fall of potential in return when required by rule 55.

Localization and removal of leakage, together with time occupied.

Particulars of any abnormal occurrence affecting the electric working of the tramway.

(2) These records shall, if and when required, be forwarded for the information of an Electric Inspector appointed under the Act.

60. *Circuit to be inaccessible to passengers.*—Passengers shall not have access to any portion of the electric circuit having a greater difference of potential to earth than 100 volts.

61. *Connections on cars.*—Every electric main, lead, or connection used in or upon a car shall be of ample size and thoroughly insulated and protected by cut-outs which will operate to break the circuit before the current has risen to an amount likely to cause any injurious heating of the conductors, and the length of every safety fuse in the clear shall be not less than two inches, unless an automatic device is provided for interrupting the arc.

62. *Conductors on cars.*—Every electrical conductor fixed upon a car shall be protected wherever it is adjacent to any metal, so as to avoid risk of the metal becoming charged.

63. *Collector standards.*—Every collector standard which is accessible to passengers in a car shall be electrically connected with the wheels of the car in such manner as to prevent the possibility of the standard becoming electrically charged from any defect in the electrical conductors contained within it.

64. *Height of conductors.*—Unless the Local Government otherwise directs—

(a) the trolley wire shall nowhere be at a less height from the surface of the street than 17 feet, except where it passes under a bridge or other fixed structure, in which case it shall be suspended to the satisfaction of an Electric Inspector appointed under the Act; and

(b) the intervals between the supports shall not exceed 120 feet.

65. *Height of feeders.*—Where the feeders of a tramway are on the same support as the trolley wire, the provisions of rule 24 shall not apply.

66. *Emergency cut-off switch.*—An emergency cut-off switch shall be provided and fixed so as to be conveniently reached by the driver in case of any failure of action of the controller switch.

67. *Conduit system.*—Where a conduit system of electric traction is employed, the following conditions shall be complied with in the construction and maintenance of such conduit, namely:—

(a) The conduit shall be so constructed:—

(i) as to admit of easy examination of, and access to, the conductors contained therein and their insulators and supports:

- 
- (ii) as to be readily cleared of accumulation of dust or other debris, no such accumulation being permitted by the licensee to remain.
- (b) The conduit shall be laid to such falls and so connected to sumps or other means of drainage as to clear itself automatically of water without danger of the water reaching the level of the conductors.
- (c) Where the conduit is formed of metal, all separate lengths shall be so jointed as to secure efficient metallic continuity for the passage of electric currents; and where the rails are used to form any part of the return, they shall be electrically connected to the conduit by means of copper strips having a sectional area of at least one-sixteenth of a square inch or other means of equal conductivity, at distances not exceeding 100 feet; and where the return is wholly insulated and contained within the conduit, the conduit shall be connected with earth at the generating station through an instrument suitable for the indication of any contact or partial contact of either the line or the return with the conduit.
- (d) The leakage-current shall be ascertained by the licensee daily, before or after the hours of running, when the line is fully charged; and if at any time it is found to exceed one ampere per mile of tramway, the leak shall be localised and removed as soon as practicable, and the running of the cars shall be stopped, unless the leak is localised and removed within twenty-four hours.

AS TO THE SECURING OF A REGULAR AND SUFFICIENT SUPPLY OF ENERGY BY  
LICENSEES AND THE TESTING THEREOF.

68. *Notice of intention to supply through mains.*—Forty-eight hours at least before a licensee is ready to commence to supply energy through a main, he shall serve a notice upon the local authority and upon the Electric Inspector appointed under the Act of his intention to commence such supply.

69. *Licensee to provide constant supply.*—From the time when a licensee commences to supply energy through a main, he shall, subject to the provisions of his license in this behalf, maintain a supply of sufficient power for the use of all the consumers for the time being entitled to be supplied from such main; and such supply shall, except in so far as may from time to time be otherwise agreed upon between the local authority and the licensee, be constantly maintained:

Provided that, for the purpose of testing or for any other purpose connected with the efficient working of the undertaking, the Local Government, or such person as it may appoint in this behalf, may give permission to the licensee to discontinue the supply at such intervals of time and for such periods as it may think expedient:

Provided, also, that, when the supply is to be so discontinued, notice of such discontinuance and of the probable duration thereof shall be previously served upon the local authority and upon every consumer likely to be affected thereby.

70. *Provisions as to continuance of supply.*—The system of distributing mains shall be so arranged that, if in any case it becomes necessary to discontinue the supply through any portion of a main for more than one hour for the purposes of repairs or for any other reason, the discontinuance shall in no case extend to more than one hundred service lines.

71. *Declared pressure at consumer's terminals and authorized variation of the same.*—Before commencing to supply energy to a consumer, the licensee shall declare to the consumer the constant pressure at which he proposes to supply energy at the consumer's terminals, and the pressure so declared at any pair of the consumer's terminals shall not at any time be altered or departed from, except with the written consent of the Local Government or of the consumer:

Provided that the licensee shall be deemed to have complied with the requirements of this rule so long as the variation of pressure at the consumer's terminals does not, under any conditions of the supply which the consumer is entitled to receive, exceed 4 per cent. from the declared constant pressure, unless changes in pressure recur so frequently as to cause unsteadiness in the supply.

#### AS TO THE USE OF CERTAIN FORMS.

72. *Form of certain requisitions.*—Requisitions made under clause VIII, sub-clause (4), or clause IX, sub-clause (4), as the case may be, of the schedule to the Act shall be in the appropriate form set forth in the annexures to these Rules.

#### AS TO THE LEVY OF FEES.

73. *Levy of fees.*—The following fees shall be payable to the Local Government in respect of the services of Electric Inspectors appointed under the Act, namely:—

- (a) where any difference or dispute arising under section 30, subsection (7) of the Act is determined by an Electric Inspector, a fee of Rs 16 (in addition to the costs as laid down in the Act); and,

*under Acts locally applied.)*

- (b) where any meter is certified, or any test is carried out other than those laid down herein, a fee of such amount, and payable by such person, as the Local Government may determine.

#### GENERAL.

74. *Penalty for breach of foregoing rules.*—Any licensee who commits a breach of these rules shall be punishable for every such breach with fine which may extend to R100, and, in the case of a continuing breach, with a further fine which may extend to R50 for every day after the first during which he is convicted of having persisted in the breach.

75. *Rules applicable where consumer uses in factory, etc., energy supplied by a licensee.*—Where a consumer, in any factory or other such place as is described in section 81 of the Act, uses at a pressure exceeding 130 volts energy supplied to him by a licensee, he shall be bound by the following rules in the same manner as if the energy were not supplied by a licensee.

#### RULES AS TO THE USE OF ENERGY NOT SUPPLIED UNDER PART II OF THE ACT.

##### PRELIMINARY.

76. *Further definitions.*—In the following rules, unless there is anything repugnant in the subject or context,—

- (a) the expressions “ low-pressure,” “ high-pressure,” and “ extra high-pressure ” are used in relation to electric supply-lines, conductors, circuits, and apparatus according to the conditions of the supply delivered through the same or particular portions thereof; that is to say,—
- (i) where the conditions of the supply are such that the pressure may at any time exceed 600 volts, if continuous, or 300 volts, if alternating, but cannot exceed 3,000 volts, whether continuous or alternating, the supply shall be deemed to be a “ high-pressure supply;”
- (ii) where the conditions of the supply are such that the pressure may, on either system, exceed 3,000 volts, the supply shall be deemed to be an “ extra high-pressure supply ” and
- (b) the expression “ the owner ” means any person, other than a licensee, generating or using energy at a pressure exceeding 130 volts.

AS TO THE PROTECTION OF PERSONS AND PROPERTY.

*Inspection and testing.*

77. *Entry and inspection.*—(1) When notice has been given by any person under section 31 of the Act, the District Magistrate or, in a Presidency-town, the Commissioner of Police, shall forthwith report the circumstance to the Local Government and thereupon any Electric Inspector appointed under the Act may enter, inspect, and examine any place in which he has reason to believe that there is any appliance or apparatus used in the generation or use of electricity.

(2) The owner shall afford at all times all reasonable facilities to any such Inspector to make such inspections and tests as may be necessary to ensure the due observance of the Act and the following rules, and shall, if and when required, forward to such Inspector all records of tests hereinafter specified to be made and recorded.

78. *Pressure of supply.*—The pressure of the supply generated by an owner shall not exceed the limits of low-pressure, except with the written approval of the Local Government in each case.

79. *Liability to shock.*—The owner shall take reasonable precautions to guard against the liability of any person to shock due to accidental contact with exposed terminals.

80. *Earthing of metallic protection of insulating materials.*—Where the insulating material on any electric supply-line is protected by an external metallic covering, the metallic covering shall be efficiently connected with earth.

81. *Safety devices for the protection of consumers' wires.*—In every case in which a high-pressure supply is transformed for the purposes of use, some suitable automatic and quick-acting means shall be provided to protect the low-pressure wires from any accidental contact with, or leakage from, the high-pressure system, either within or without the transforming apparatus.

82. *Protection from lightning.*—(1) Where any portion of an electric supply-line or any support for an electric supply-line is exposed in such a position as to be liable to injury from lightning, the owner shall adopt efficient means for protecting it against such injury.

(2) Lightning arresters shall be capable of supporting successive discharges without attention.

*Aërial lines.*

83. *Minimum size of conductors.*—The sectional area of the conductor of an aerial line erected by an owner after the commencement of these rules shall, if of copper, be not less than the area of a No. 10 wire of the

sectional area as to be of equivalent tensile strength :

Provided that, where the span is less than 50 feet, a No. 14 wire of the British Standard Wire Gauge may be used.

84. *Span of insulated line.*—Every continuously insulated aerial line belonging to an owner shall be attached to supports at intervals not exceeding 100 feet.

85. *Construction and erection of supports.*—(1) Every support of an aerial line shall be of a durable material firmly erected and, if necessary, properly stayed against forces due to wind pressure, change of direction of the line or unequal lengths of span.

(2) Every post, if of metal, shall be efficiently connected with earth.

86. *Height from ground and inaccessibility.*—(1) No part of an aerial line shall be at a less height from the ground than 15 feet :

Provided that the Local Government may, by order in writing, permit any modification of this sub-rule which it may consider necessary.

(2) Every aerial line shall be so erected as to be inaccessible except by the use of a ladder or other special appliance.

87. *Crossing metal roof.*—Where a metallic roof is crossed by an aerial line, the roof shall be efficiently connected with earth.

#### *Electric supply-lines other than aerial lines.*

88. *Crossing pipes, etc.*—Where an electric supply-line crosses, or is in proximity to, any metallic substance, precautions shall be taken by the owner against the possibility of the metallic substance becoming charged.

89. *High-pressure electric supply-lines laid above ground.*—Every portion of a high-pressure electric supply-line (not being an aerial line) placed above the surface of the ground shall be completely enclosed, either in a tube of highly insulating material embedded in brick-work, masonry, or concrete, or in a strong metal casing efficiently connected with earth.

90. *High-pressure electric supply-lines laid under ground.*—Where a high-pressure electric supply-line is laid beneath the surface of the ground, efficient means shall be taken by the owner to render it impossible that the surface of the ground or any neighbouring electric supply-line or conductor shall become charged by leakage therefrom.

#### *Circuits within buildings.*

91. *Responsibility of owners for their conductors, etc.*—The owner shall maintain all electric conductors, fittings and apparatus belonging to him or under his control, which may be in use upon his premises, in

a safe condition and in all respects fit for the use of energy and shall take all due precautions against fire.

92. *Fuses or disconnectors to be provided on all circuits.*—A suitable cut out shall be inserted in each main or branch circuit upon the owner's premises (not being the neutral wire of a multiple wire system) at the point of origin of the same.

93. *High-pressure apparatus.*—The covers and frames and other metallic parts (other than parts of the electrical circuit) of all high-pressure apparatus of every description shall be either efficiently connected with earth or, if insulated, so placed and arranged that it is impossible for any person to obtain a shock to earth from them.

94. *Isolation switch.*—An isolation switch shall be provided for every arc lamp connected with any high-pressure electric supply-line, and the switch shall be of such pattern and construction as will provide—

- (a) that the lamp can by its means be entirely disconnected from the supply circuit;
- (b) that the switch itself can be safely worked in the dark without special precautions;
- (c) that there shall be no danger of any injurious electrical arcing, sparking, or heating being caused by the operation of the switch; and
- (d) that, where the switch is accessible without the use of a ladder or special appliance, it shall be in a locked metallic receptacle efficiently connected with earth.

95. *Maintenance.*—Every installation to which rules 77 to 94 apply, shall be duly and efficiently supervised and maintained by the owner so as to comply with the said rules.

AS TO THE LEVY OF FEES.

96. *Levy of fees.*—The following further fees shall be payable to the Local Government in respect of the services of Electric Inspectors appointed under this Act, namely:—

- (a) where any works belonging to an owner are tested or inspected, a fee, payable by such owner, of one rupee for every kilowatt of his electrical plant capacity, or, where the power is supplied by a licensee, of the consumer's specified maximum power subject to a minimum of ₹16 and a maximum of ₹200; and
- (b) where any meter is certified, or any test is carried out or work done other than that laid down in clause (a), a fee of such amount, and payable by such person, as the Local Government may determine:



rov1 e a o oca  
such fee or any portion thereof.

97. Any owner who commits any breach of rules 77 to 95 shall be punishable, for every such breach, with fine which may extend to ₹100, and, in the case of a continuing breach, with a further daily fine which may extend to ₹50 for every day after the first during which he is convicted of having persisted in the breach.

FORM OF REQUISITION REQUIRED BY CLAUSE VIII (4) OF THE SCHEDULE TO THE ACT.

(See rule 72.)

To

(name of licensee).

In the case of  
six or more  
owners or  
occupiers.

We the undersigned, being owners or occupiers of premises situated in street, situated within the " area of supply " defined in the license 19 , do

In the case of  
the Local  
Government  
or a local  
authority.

The Government of (The local authority of )  
being charged with the public lighting of street; situated within the area of supply defined in the license 19 hereby require (s) you to provide and lay down, within six months of the date of this requisition, distributing mains for the purpose of general supply throughout the said street" in accordance with the terms and conditions laid down in clause VIII of the schedule to the Indian Electricity Act, 1903, as applied to the Civil and Military Station of Bangalore.

Dated at

The day of 19 .

FORM OF REQUISITION REQUIRED BY CLAUSE IX (4) OF THE SCHEDULE TO THE ACT.

(See rule 72.)

(name of licensee).

You are hereby requested to provide within weeks of the date of this requisition, supply of electrical energy at the premises being within one hundred yards of your distributing mains and within the " area of supply " laid down in the license 19 , for the following:

30 watt lamps (8 C. P.)

60 watt lamps (16 C. P.)

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\* Or such part of the street as may be specified.

CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Orders 535  
under Acts locally applied.)

---

watt lamps.

fans.

B. II. P. motors.

The wiring work will be carried out by

Dated at

The            day of            19   .

Signature.

NOTE.—Under clause LX (1) 1st proviso of the schedule to the Indian Electricity Act, 1904, "the cost of so much of any electric supply-line as may be laid for the purposes of the supply upon the property in respect of which the requisition is made, and of so much of any electric supply-line as it may be necessary for the said purposes to lay for a greater distance than one hundred feet from the licensee's distributing main although not on that property shall, if the licensee so requires, be paid by the owner or occupier making the requisition."

In accordance with the foregoing note, the licensee makes the following charges:

The ordinary rate for making connections to consumer's premises is Rs.            , to which will be added any wiring necessary from the point of service at the rate of            rupees per yard, and for (underground services) a rate of            annas per inch for cutting away and making good the wall of the house.

The licensee lays all services in the street free of charge to a distance of            feet from their mains.

[*Gazette of India*, 1905, Pt. II, p. 837.]

PREVENTION OF SEDITIOUS MEETINGS ACT, 1911.

*Commencement.*

No. 3212-I. B., dated the 13th December, 1921.—In pursuance of section 1, sub-section (2), of the Prevention of Seditious Meetings Act, 1911 (X of 1911), as applied to the Civil and Military Station of Bangalore, the Governor General in Council is pleased to notify that the said Act shall have operation in the said Civil and Military Station.

[*Gazette of India*, 1921, Pt. I. p. 1658.]

INDIAN FACTORIES ACT, 1911.

*Bangalore Civil and Military Station Factories (Amended) Rules, 1924.*

No. 9, dated the 25th January, 1924.—The following rules made by the Resident in Mysore in virtue of the powers conferred on him by section 37 of the Indian Factories Act, 1911 (XII of 1911), as applied to the Civil and Military Station of Bangalore, and in super-

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session of the rules in his notification No. 20, dated the 17th February, 1922, are hereby published for general information:—

## RULES.

### DEFINITIONS.

1. These rules and orders may be cited as the Bangalore Civil and Military Station Factories (Amended) Rules, 1924.

2. In these rules and orders—

- (a) "The Act" means the Indian Factories Act of 1911, as amended by the Indian Factories (Amendment) Act, 1922 and the Indian Factories (Amendment) Act, 1923.
- (b) Words and expressions defined in the Act shall be deemed to have the same meaning as in the Act.
- (c) "Inspector" means the Inspector appointed under Section 4, sub-section (1) of the Act.
- (d) A "belt hanger" is a perch or guard fixed near the side and upper edge of a pulley on which the belt can rest when removed from its pulley.
- (e) "Transmission machinery" includes every shaft, wheel, drum or pulley (including any system of fast and loose pulleys), coupling, clutch, strap, band, belt, chain, rope or other device incidental to the transmission of motion between any prime-mover and any machine or appliance, or by means of which the machine or appliance receives its motion.
- (f) "Within reach" means within six feet of any spot on which any person may have to stand or which any person may have to pass in the course of his employment.

### INSPECTION.

#### *Section 37 (2) (a).*

3. The Inspector shall be primarily responsible for the administration of the Act within the area for which he is appointed. He shall inspect every factory other than a seasonal factory within the area at least twice yearly, and every seasonal factory at least once during each season of work. He shall also make such further inspections as may appear to him or to the authority to whom he is subordinate to be necessary in order that he may satisfy himself that the provisions of the Act and of these rules are duly observed.

4. The manager of each factory shall maintain a bound inspection book and shall produce it when required by the Inspector or Certifying Surgeon.

Statements of (i) the exemptions granted to the factory, (ii) particulars of lime-washing, etc., and (iii) particulars of rooms in the factory, in Forms J, G and H respectively shall be pasted in it.

5. (a) In addition to and without prejudice to any other powers or duties which the Inspector may exercise under the Act or rules, he shall at each inspection of a factory fill up the Inspection Report in Form M and satisfy himself—

- (i) that the provisions made in the Act and rules to secure the health and safety of the operatives are observed;
- (ii) that the children employed in the factory have been duly certified and that none are employed who are obviously unfit;
- (iii) that the register of all the persons employed in the factory, of their hours of work and of the nature of their employment is kept in the prescribed Form D;
- (iv) that the periodical stoppages of work and the holidays provided by the Act are granted and that the limits of hours of work laid down therein are not exceeded;
- (v) that the provisions of section 31 and of the rules relating to the payment of overtime are duly observed in factories exempted from the provisions of section 27;
- (vi) that the abstracts and notice (Form C) required by section 36 of the Act are duly affixed and that the registers required by these rules are properly maintained.

(b) He shall further enquire into the cause of all accidents which have taken place since the last inspection.

(c) Finally, he shall note how far the defects pointed out at previous inspection have been removed and how far orders previously issued have been complied with. Any defects and illegalities which have come to light at the present inspection as well as any orders passed by him under the Act shall then be recorded. An extract from this record containing the orders of the Inspector and such remarks on defects found to exist as he may wish to bring to the Manager's notice shall be sent to the Manager in Form O, and a copy of the extract shall be sent to the District Magistrate. The orders sent to the Manager or occupier by the Inspector of Factories shall be pasted in the Inspection Book kept under rule 4.

6. The Inspector shall keep a file of the records of his inspection and on the tenth day of each month shall submit in Form M attached

to these rules, a diary showing the work done in the preceding month to the authority to whom he is subordinate for the purposes of this Act. A copy of the said diary shall be retained by the Inspector.

7. In the case of factories situated in places coming under the Municipal Act, if it appears that there has been a disregard of the provisions of any Municipal or other local Act relating to sanitary arrangements, removal of objectionable rubbish, the cleaning and fencing of water tanks or like matters, the Inspector shall, without prejudice to any action which he is empowered to take under the Act and rules, draw the attention of the Health Officer or Sanitary Inspector of the Municipality to the breach of the sanitary regulations in question.

DUTIES OF A CERTIFYING SURGEON AND OF PERSONS AUTHORIZED TO  
EXERCISE HIS FUNCTION.

*Section 37 (2) (c) and (d).*

8. (a) The duties of a Certifying Surgeon and of a person authorized under section 8 of the Act to exercise his functions shall comprise the examination of children desirous of being employed and the re-examination of children in respect of whom a notice under section 8-A has been served upon the Manager, and who desire to be re-employed. Certificates of age and fitness shall be given to such children as are found qualified to receive them. A fee of annas four shall be payable by Government for such examination or for the grant of a certificate in pursuance thereof.

(b) The Certifying Surgeon or person authorized as aforesaid shall fix such place and such times as may be convenient for the attendance of persons wishing to obtain certificates of age and physical fitness. Notice of the place and the times thus fixed shall be given to the managers of factories within the local limits for which the Certifying Surgeon is appointed.

9. (i) Every Certifying Surgeon shall keep a bound book containing certificates in Form E in foil and counterfoil. The forms shall be numbered consecutively and shall be printed on cloth-backed paper.

(ii) Every certificate granted under section 7 of the Act to a person desirous of being employed in a factory shall be prepared by filling up the foil and counterfoil, on which shall also be impressed the left thumb mark of the person in whose name the certificate is granted.

(iii) The Certifying Surgeon shall, if he is satisfied as to the correctness of the entries made therein, sign the foil and initial the counterfoil, and shall deliver the foil to the person in whose name the certificate is granted. The foil so delivered shall be the certificate granted under section 7 of the Act.

(iv) A Certifying Surgeon revoking a certificate under section 7, sub-section (2), shall cause the word "revoked" to be stamped in red ink on the foil and counterfoil.

(v) If the Certifying Surgeon refuses to grant to any person a certificate under this rule no fresh application for a certificate shall be made on behalf of such person until a period of three months has elapsed, unless the Certifying Surgeon when he refuses to grant the certificate gives permission in writing for an application to be made at an earlier date.

10. Every person authorized under section 8 of the Act to exercise provisionally the functions of a Certifying Surgeon, shall grant certificates in the manner provided for in the last foregoing rule. The word "Provisional" shall be printed or stamped in red ink at the top of each foil and counterfoil.

11. (i) When a person to whom a certificate under section 7 of the Act has been granted loses such certificate, he may apply to the Certifying Surgeon for a copy of the certificate, and the Certifying Surgeon, after making such enquiry from such person's employer (or if he is unemployed from his last employer) and from such other sources as he deems fit, may grant a duplicate thereof. The word "Duplicate" shall be clearly written in red ink across such certificate and initialled by the Certifying Surgeon. The counterfoil in the bound book of forms shall be similarly marked "Duplicate" and initialled.

(ii) For every copy of a certificate granted under clause (i) of this rule, a fee of eight annas which shall be credited to Government shall be charged. The Certifying Surgeon shall maintain a register in Form F of all fees paid for the issue of copies of certificates, and shall initial each entry made therein.

(iii) No duplicate of a certificate granted under section 7 of the Act shall be granted to any person otherwise than in accordance with the provisions of this rule.

12. (i) The Certifying Surgeon shall ordinarily visit every factory within the local limits for which he is appointed, in which children are known to be employed, at least once in three months and shall give previous notice of his visits. At each of these visits the Manager shall produce before him at such time as he may fix all children employed in the factory, whether actually at work or not.

(ii) The Certifying Surgeon shall personally examine every child, who is in possession of a "Provisional" certificate granted under section 8 of the Act and shall, if he is satisfied that a certificate should be granted, destroy the provisional certificate and issue his own certificate in place of it.

(iii) If on such examination, the Certifying Surgeon is of opinion that the person in possession of a "Provisional" certificate granted under section 8, is under the age of twelve years or is not fit for employment in a factory, he shall impound the certificate, and write on it the word "Cancelled" over his signature. He shall then forward the certificate with such remarks as he considers necessary to the Inspector of Factories for information, and shall also inform the person who issued it that it has been cancelled.

13. The Certifying Surgeon at his periodical visits shall satisfy himself as to the fitness of the children employed in the factory and shall revoke the certificates of any whom he deems to be unfit.

14. The Certifying Surgeon shall enter in the inspection book a note detailing the results of each visit to the factory and shall forward a copy of this note to the Inspector.

#### SANITARY CONDITIONS.

##### *Section 37 (2) (e).*

15. In every factory all the inside walls of the rooms and all the ceilings of such rooms (whether such walls or ceilings be plastered or not), and all the passages and staircases shall be limewashed at least once in each year, this period to date from the time when they were last limewashed. All the beams, rafters, doors, window-frames and other wood-work with the exception of floors shall be either limewashed at least once a year dating from the time when they were last limewashed or shall be painted or varnished once in seven years dating from the time when they were last painted or varnished and shall be kept in a cleanly state. The dates on which limewashing, painting or varnishing is carried out shall be duly entered in Form G, which shall be shown to the Inspector when required.

16. Rule 15 shall not apply to the following:—

- (i) Rooms used only for the storage of articles,
- (ii) walls or ceilings of rooms which are made of galvanized iron, flat tiles, glazed bricks, glass, slate, bamboo, thatch, cement, plaster or polished chunam;
- (iii) rooms in which manufacture is carried on in any gas works, forage presses, chemical works and cement factories;
- (iv) engineering workshops or foundries in which 2,000 cubic feet of air space is provided for each person employed;
- (v) walls in oil mills below a height of 5 feet from the ground;
- (vi) brick and tile works in which glazed bricks or tiles are made;

- (vii) walls of railway running sheds;
  - (viii) works in which process of soap manufacture is carried on;
  - (ix) rooms in sugar factories in which sugar is stored or in process of manufacture;
  - (x) rooms of tanneries in which salting, tanning and dressing of hides and skins are carried on;
  - (xi) ceilings of rooms in which the lowest part is at least 20 feet from the floor;
  - (xii) ceilings of rooms in which bleaching and dyeing is carried on;
  - (xiii) any other factory or parts thereof in which limewashing or painting is in the opinion of the Resident in Mysore unnecessary to satisfy the requirements of section 9 (a) of the Act as to cleanliness.
17. No rubbish, filth or *debris* shall be allowed to accumulate or to remain on any premises in a factory in such a position that effluvia therefrom can arise within the factory.
18. All drains carrying waste or sullage water shall be constructed in masonry or other impermeable material and shall be regularly flushed and, where possible, connected with some recognized drainage line.
19. The compound surrounding every factory shall be maintained in a strictly sanitary and cleanly condition.
20. The Manager of every factory shall enforce the proper use of latrines and prevent pollution by excreta of the surface of the ground in the vicinity of the latrine and in the compound of the factory.
21. Proper arrangements shall be made for maintaining in a clean and drained condition the area round the place where drinking water is distributed to the operatives.

#### PREVENTION OF OVERCROWDING.

##### *Section 37 (2) (f).*

22. (1) There shall be provided for each person employed at one time in any room of a factory 36 square feet of floor space and
- (i) where mechanical or electrical power is not used, a breathing space of at least 500 cubic feet and
  - (ii) where mechanical or electrical power is used, a breathing space of at least 700 cubic feet.



regularly employed shall be entered in Form H which shall be shown to the Inspector when required.

#### STANDARD OF VENTILATION.

##### *Section 37 (2) (g).*

23. (i) In every room in a cotton mill where slasher sizing is carried on, an efficient arrangement for the removal of the steam given off in the process of drying the yarn shall be fitted. Slasher sizing shall not be carried on in any room where any other process of manufacture is being performed.

(ii) In every room of a factory ventilating openings shall be provided in the proportion of 5 square feet for each person employed in such room, and the opening shall be such as to admit of a continued supply of fresh air:

Provided that, subject to the control of the Resident in Mysore, the Inspector may, for reasons to be recorded in writing, relax the conditions of this rule where, in his opinion, this may be done with due regard to the health of the persons employed in any room.

#### PROVISION OF SANITARY ACCOMMODATION.

##### *Section 37 (2) (h).*

24. The occupier of every factory shall provide latrines of a design approved by the Health Officer within the precincts of the factory in an accessible place detached from the other factory buildings, and the accommodation shall be on such scale as may be laid down by the municipal authority provided that it shall not in any case fall short of the following scale:—

|   | Seats.                                   |
|---|--|
| Where the number of operatives does not exceed 50 .. .                        | 3  |
| Where the number of operatives exceeds 50, but does not exceed 150 . . . . .  | 4  |
| Where the number of operatives exceeds 150, but does not exceed 250 . . . . . | 5  |
| Where the number of operatives exceeds 250 . . . . .                          | One seat for every 50 or fraction of 50. |

The orders of the Health Officer on the subject of the design of latrines shall be subject to an appeal to the President of the Municipal Commission.

25. If females are employed, separate latrines screened from those for males and marked in the vernacular in conspicuous letters "For women only" shall be provided on the scale laid down in rule 24. Those for males shall be similarly marked "For men only".

26. The walls of the latrines shall be tarred completely inside and out or tarred to a height of 3 feet inside and out and limewashed above that height at least twice every year. The date of the limewashing or tarring shall be noted in Form G.

27. Except in factories provided with water flushed latrines connected with a water-borne sewage system, all latrines shall be provided with receptacles on the dry earth system which shall be cleaned daily and kept in a strictly sanitary condition. The contents of all such receptacles shall be buried in suitable trenches or where possible burnt in proper incinerators. The receptacles shall be tarred inside and out as often as is necessary and at least once every quarter.

28. If in the opinion of the Resident in Mysore, in the case of a factory situated in a place detached from other buildings and from which access to the open country on at least two sides of it is obtainable, such latrine accommodation is unnecessary to ensure the health of the operatives, he may exempt such factory from the provisions of rules 24 to 27, by order in writing kept in Form J. But in such cases the factory shall provide for the employees simple earth trenches which should be moved every three days.

#### DRINKING WATER.

##### *Section 37 (2) (i).*

29. Drinking water shall be supplied to the employees free of cost.

30. Wherever practicable, drinking water shall be supplied—

- (a) from taps connected with a public water-supply from which a sufficient supply of water can at all times be drawn as required, or
- (b) from a well or wells so situated and constructed as to prevent pollution or contamination with organic matter or other impurities.

31. If in any factory it is not practicable to supply water in accordance with the methods prescribed by rule 30, or if the public water-supply is intermittent, then there shall be provided a storage of water, fit for drinking, supplying at least as many gallons per day as there are persons employed in the factory. All such storage of water shall be so arranged as to prevent any possibility of contamination.

#### PROVISION OF MEANS OF ESCAPE IN CASE OF FIRE.

##### *Section 16 and Section 37 (1).*

32. Every building of more than one storey shall be provided with at least two sets of stairs or steps permanently fixed either inside or

outside the building so as to afford direct and unimpeded access from every part of the factory to the ground level and such stairs shall be provided with suitable and sufficient hand rails; provided that in the case of an upper storey in which not more than 20 persons are employed it shall be sufficient to provide one set of stairs made of non-combustible materials.

33. In every factory of more than one storey high every window or door giving access to an external staircase shall be so arranged as to open immediately from the inside.

34. Notwithstanding anything contained in rule 32 every ginning factory shall be provided with at least two flights of stairs made of brick-work or other fire-resisting material.

#### FENCING AND GUARDING OF MACHINERY.

##### *Section 37 (2) (j).*

35. The following parts of transmission machinery shall be securely fenced if in motion and within reach:—

- (i) All shafts, couplings, collars, clutches, toothed wheels, pulleys, driving straps, chains and ropes, unless in the opinion of the Inspector they are by reason of their construction or position incapable of being a source of danger to any person employed.
- (ii) All projecting set screws, keys, nuts or bolts on revolving parts, except such as are countersunk or otherwise made safe.
- (iii) The underside of all heavy overhead main driving belts or ropes if there is any probability of persons having to pass under them.

36. The following parts of machine tools shall be securely fenced:—

The back gears and change wheels of lathes; the back gears and bevel gearing of drilling machines; and the gear wheels of planing, shaping, slotting and milling machines which are within reach.

37. Every platen machine in a printing work shall be fitted with an efficient finger guard.

38. All emery wheels shall be provided with strong wrought iron guards.

39. All hoist gates shall be self-locking and incapable of being opened unless the cage is opposite the floor.

40. Every circular saw shall be provided with a strong metal guard with a riving knife at the back of the saw. The saw under the table shall be completely guarded.

SPECIAL RULES FOR FENCING IN TEXTILE FACTORIES.

41. In addition to the provisions of anything hereinbefore contained the following special provisions shall apply to textile factories to the extent therein indicated:—

(i) In respect of blowing room machinery:—

- (a) Beater covers and the door immediately above the dirt grid of all openers, combined openers and scutchers, scutcher lap machines, hard waste breakers and similar machines shall be fitted with an automatic locking arrangement which shall render it impossible to open the covers or the grid doors while the beater is still running, or to restart the machinery until the doors have been closed.
- (b) The nip between the cage wheels and calender wheels shall be efficiently protected on all machines, preferably by 'spectacle' guards, extending round the outer edge of both wheels.
- (c) In the case of scutchers efficient plating shall be provided for the slow motion and fan pulleys and the beater shaft ends shall be suitably encased in metal sleeves.
- (d) All lap rollers shall be provided with lap protectors.
- (e) Cotton openers, combined openers and scutchers, scutchers and lap machines, hard waste breakers and similar machines shall be driven from counter-shafts provided with fast and loose pulleys and efficient belt shifters.

(ii) In respect of carding machines—

- (a) All feed roller wheels, doffer and barrow wheels, side shaft wheels, calender wheels and collar wheels shall be efficiently fenced.
- (b) Except in cases where it is unnecessary to open cylinder doors for the purpose of stripping the cylinder, every cylinder door shall be fitted with a safety automatic locking motion to prevent the door from being opened until the cylinder has ceased to revolve and to render it impossible to restart the machine until the door has been closed.

(iii) In respect of drawing frames the roller gearing shall be effectively covered.

(iv) In respect of speed frames:—

- (a) Headstocks shall be fitted with an automatic locking arrangement which shall prevent the doors being opened while the machinery is in motion, and shall render it impossible to restart the machine until the doors have been closed.

- (b) Bobbin skew gear wheels shall be covered over the top and the covers shall be extended both in front and behind round the edge of the wheels, except in those cases where the spindles are not cleaned whilst the machinery is in motion.
  - (c) Spindle skew gear wheels shall be effectively covered.
  - (d) Lifter rack wheels shall be securely fenced, the guard to be such that it will effectively protect the nip both as the rail rises and as it falls.
- (v) In respect of self-acting mules—
- (a) Guards for middle back shaft scrolls shall be fitted with flanges to protect the intake of the bands and the side of the scroll. The guards for the middle draw band carrier pulleys shall be either fixed to the bottom creel board, or be so fastened otherwise that they cannot readily be knocked aside. The side pieces of the guard shall be extended far enough inwards completely to guard the nip between the band and the scroll.
  - (b) All headstocks shall be provided with strong sheet iron guards high enough to cover the rim pulley and so shaped as to prevent any moving portion of the machinery being reached from the back when the guard is in position.
  - (c) The guards for the end draw band pulleys shall be extended at least half an inch beyond the end of the pulley.
  - (d) All quadrant pinions shall be securely fenced.
  - (e) No person shall be allowed to be between the fixed and traversing parts unless the mule is stopped on the outward run.
  - (f) All front and back carriage wheels shall be guarded by efficient toe guards.
  - (g) All spinning mules shall be driven from counter-shafts which shall be provided with fast and loose pulleys and efficient belt shifters.
- (vi) In respect of ring and throstle and doubling frames—
- (a) The outer ends of the frames shall be fitted with metal plates.
  - (b) Where both the tin rollers revolve upwards, guards made of strong rigid bars placed so that the vertical gap between them is not more than 7 inches shall be permanently and securely fixed along the whole length of each ring frame and such guards shall not be removable without the use of tools.

(vii) In respect of calendering machines—

Every calendering machine shall be provided with an efficient 'nip' guard along the whole length on the intake side of each pair of bowls, and shall be so fitted and maintained while the machine is in use as to prevent the access of any person's fingers to the point of contact of the rollers or bowls.

#### ADDITIONAL FENCING IN GINNING FACTORIES.

42. In addition to the provisions of anything hereinbefore contained, the following special provisions shall apply to cotton ginning factories to the extent therein indicated:—

- (a) The line shaft or second motion shall be completely enclosed by a continuous wall or unclimbable fencing with only so many openings as are necessary for access to the shaft for removing cotton seed, cleaning and oiling; and such openings shall be provided with gates or doors which shall be kept closed and locked.
- (b) The toothed rollers of the opener shall be guarded by securely fixing across the machine not more than 8 inches above the lattice a stout wooden plank or strong metal guard not less than 1½ inches in width so arranged that under no circumstances can a man's hand get into the rollers.
- (c) The spur gearing at the side of the opener shall be completely covered by a strong metal guard.
- (d) The crank shaft pulleys and roller pulleys of all gins shall be securely guarded by strong box guards and hinged top covers.
- (e) The spur wheels, oscillating levers and rollers of gins shall be provided with guards.

#### PROTECTION OF PERSONS ATTENDING TO MACHINERY OR BOILERS.

43. All important pulleys shall be provided with belt hangers or perches.

44. Suitable string gear shall be provided and used to move driving straps on all fast and loose pulleys.

45. Lubrication of bearing or gear wheels or replacing or adjusting of belts shall be done only by an experienced and specially trained person.

46. Service platforms and gangways shall be provided for overhead shafting, and if required by the Inspector shall be securely fenced with guard rails and toe boards.

47. No transmission machinery in motion shall be cleaned with cotton waste, rags or similar material held in the hand.

48. Every shifting ladder shall be fitted either with hooks or with some effective non-skid device.

49. No person engaged in oiling or adjusting belts or in any work whatsoever within reach of unfenced transmission machinery shall be allowed to wear loosely fitting clothing, or a loose turban.

50. Safe and convenient access shall be provided to all bearings.

51. All water gauge glasses of boilers of which the maximum pressure exceeds 100 lbs. per square inch shall be securely guarded.

52. No additional weights shall be placed on the safety valve of any boiler except under the written authority of the Boiler Inspector.

53. All sizing cylinders, kiers, digesters or steam jacketted pans or other vessels worked under pressure shall be fitted with safety valves and pressure gauges.

#### ELECTRICAL FITTINGS.

##### *Section 37 (2) (j).*

54. (i) All electrical conductors shall either be covered with adequate insulating material and further protected in a manner approved by the Inspector to prevent danger, or shall be so placed and guarded as to prevent danger.

(ii) All electrical apparatus, machines and fittings shall be (a) so placed or protected in a manner approved by the Inspector as to prevent danger and (b) provided with efficient handles or other means of working, insulated from the electrical system and so arranged that the hand cannot inadvertently touch live metal.

(iii) Only specially trained and experienced persons shall be allowed to operate, adjust or repair any electrical apparatus.

(iv) Instructions, both in English and in the principal vernacular of the district, for the restoration of persons suffering from electric shock shall be affixed in a conspicuous place in every factory using electrical energy for lighting or power purposes.

NOTE.—Copies of these instructions in Tamil, Telugu and Malayalam can be obtained from the Superintendent, Government Press, Madras, at 8 annas each.

#### REST INTERVAL.

##### *Section 21 and Section 37 (1).*

55. On receiving a request from not less than one-quarter of the adult employees in any factory asking that the provisions of section 21 (1) (a) (ii) shall apply to the factory, the Inspector shall take steps

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to ascertain the desire of all the adult employees. If he is satisfied that not less than three-quarters of the adult employees desire that the provisions of section 21 (1) (a) (ii) should apply, he shall record the fact in the Inspection Book under his signature, together with a brief account of the steps taken to ascertain the wishes of the employees and shall direct that the hours of rest shall be fixed accordingly under section 21 (1) (a) (ii).

56. Where no entry signed by the Inspector under rule 55 has been made in the Inspection Book the provisions of section 21 (1) (a) (i) shall apply to the factory.

57. Where in any factory to which the provisions of section 21 (1) (a) (ii) apply the Inspector is satisfied that not less than three-quarters of the adult employees desire that that section should no longer apply, he shall record the fact in the Inspection Book under his signature together with a brief account of the steps taken to ascertain the wishes of the employees. Section 21 (1) (a) (ii) shall thenceforth cease to apply to that factory.

HOLIDAYS.

*Section 22 and Section 37 (1).*

58. Without prejudice to any other conditions that may be imposed in granting exemption under section 30 or 32 of the Act from the provisions of section 22 in every factory so exempted, provision shall be made for compensatory periods of rest.

59. The approved compensatory periods of rest shall be entered in Form J.

EMPLOYMENT OF CHILDREN.

*Section 23 and Section 37 (1).*

60. Where under the provisions of section 23 (a) of the Act, a child at work wears a token instead of a certificate, the token shall have the number of the child in the General Register (Form D) stamped upon it. The token shall be attached around the neck of the child.

EMPLOYMENT OF MEN IN MORE THAN ONE FACTORY.

*Section 25 and Section 37 (1).*

61. The Inspector may sanction the employment of any man in more than one factory on the same day if he is satisfied that such man—

(a) is not employed for more than ten hours in all in any one day, and

(b) receives the weekly holiday prescribed by section 22.



62. A note, under the initials of the Inspector, shall be made in the remarks column of Part I of the General Register (Form D) against the names of all men permitted to work in more than one factory under the preceding rule.

MAXIMUM OVERTIME PERMITTED AND OVERTIME RATES.

*Section 31 and Section 37 (1).*

63. Where a woman is exempted from the provisions of section 27 under the provisions of section 30, the total overtime permitted shall not exceed six hours during the week.

64. Where a man is exempted from the provisions of section 27 and section 28, the overtime permitted shall not ordinarily be such as to make the hours of work exceed twelve in any one day and shall in no case be such as to make the hours of work exceed seventy-two in any one week.

Nothing in this rule applies to work on urgent repairs carried out under sub-section 3 of section 30.

65. Where under the provisions of section 30 (2), any factory has been exempted from the provisions of section 27, every person employed for more than sixty hours in any one week shall be paid, in respect of overtime, at a rate which shall be at least one and a quarter times the rate at which he is normally paid.

<sup>1</sup>[65A. Where on account of urgency of repairs in any factory the provisions of all or any of the Sections 21, 22, 27 or 28 cannot be observed, a written notice shall be sent to the Inspector of Factories, within 24 hours of the commencement of the work, describing briefly the nature of the urgent repairs and the probable period of their duration; and every person employed on such repairs in the factory for more than 60 hours in any one week shall be paid in respect of overtime, at a rate which shall be at least one and a quarter times the rate at which he is normally paid.]

66. In every factory in which all or any class of operatives are exempted from all or any of the provisions of sections 21, 22, 27 and 28 of the Act a muster roll shall be maintained for all such workers in form 'P' attached to these rules. This roll shall show the time of beginning and ending of each period of employment during the day or night or both and shall be entered up at the commencement of each period. The number entered in the first column shall be the number given in the General Register of Workers.

67. Nothing in rules (63—66) shall be deemed to prevent the prescribing of further conditions under section 30 of the Act.

<sup>1</sup> Inserted by Notification No. 67, dated the 20th June, 1924. *Mysore Residency Orders*, 1924, Pt. I, p. 6.

PERSONS HOLDING POSITIONS OF SUPERVISION, ETC.

*Section 29 and Section 37 (2) (j).*

68. The following persons shall be deemed to hold positions of supervision or management:—

- (a) the manager of the factory.
- (b) assistant managers, and
- (c) any other person who, in the opinion of the Inspector, holds a position of supervision or management.

69. All clerks, accountants and timekeepers shall be deemed to be employed in a confidential capacity.

70. A list of all persons employed in the factory to whom the provisions of section 29 of the Act have been applied, shall be entered in Form J.

REGISTERS AND RETURNS.

*Sections 33, 35, 36 and 37 (2) (l).*

71. The written notice prescribed under section 33 of the Act shall be in Form B.

72. In every factory an up-to-date register in Parts I to IV in Form D appended to these rules of all persons employed therein shall be correctly kept. This register shall show the nominal day's work specifying the hours within which each employee is to be employed and shall be re-written afresh from January, 1st each year. It shall be available for inspection during working hours.

NOTE.—Where the hours of work for any worker are the same for every day in the week, only one set of columns 6 to 11 in Parts I and II and 6 to 9 in Parts III and IV will be needed. If, however, the hours are different on different days of the week further sets of columns should be used, e.g., if the hours are the same on all days from Monday to Friday and different on Saturday, columns 6 to 11 of Part I and II and columns 6 to 9 of Parts III and IV would be headed "M to F" and columns 12 to 17 of Parts I and II and columns 10 and 11 of Parts III and IV would be headed "S".

73. The notice and return prescribed under section 36 of the Act shall be in Form C.

74. All registers and returns and notices required to be maintained under the Act or rules shall be maintained in English or in the principal vernacular of the place in which the factory is situated.

ACCIDENTS.

*Section 34 and Section 37 (2) (k).*

75. Notices of accidents resulting in death or causing such severe injury that there is no reasonable hope that the injured person will

be able to return to work within 48 hours, shall be sent by telegraph, telephone or by special messenger within 4 hours of the occurrence to—

- (i) the Inspector, and
- (ii) the District Magistrate or if he by general order so directs, the Second Magistrate.

76. In case of any accident resulting in death, notice shall also be sent within the same time and by similar agency to the officer in charge of the police station for the area in which the factory is situated.

77. If the notice is sent by special messenger, it shall be in Form K, and if it is sent by telegraph or telephone, it shall be confirmed by a written report in that Form.

78. Notices of accidents which are of a minor character, but which nevertheless prevent the injured person from returning to work within 48 hours of the occurrence, shall be given in the same Form K within 24 hours of the expiry of that time to the authorities mentioned in rule 75.

79. If the Inspector has reason to believe that a fatal or serious accident has occurred in any factory, whether he has received a notice under section 34 of the Act or not, he shall proceed to make an investigation either by himself or in co-operation with any official deputed by the District Magistrate or the Police authorities, or with both, in order to determine the cause of the accident and the person responsible. If he finds that death or serious injury has resulted from neglect on the part of the occupier or manager of the factory or other person to observe any provision of the Act or the rules or orders made thereunder, and he considers that a prosecution should be instituted under the Act, the Inspector shall record the sanction in writing required by section 48, and forward it to the District Magistrate with a request that a prosecution may be instituted. If the Inspector considers that action should be taken under the Indian Penal Code, he shall record his opinion and send it to the District Magistrate for such action as may be thought fit.

At the same time he shall record his opinion whether, if in the event of the accused being convicted and fined, any portion of the fine recovered should be given to the person injured or his dependants by the Court in the manner contemplated by section 43A of the Act or under section 545 of the Criminal Procedure Code, as the case may be.

80. In every factory in which the total number of persons employed is 500 or more, there shall be maintained, in readily accessible positions, first aid appliances, including an adequate quantity of sterilized dressings and sterilized cotton wool. The appliances shall be kept in

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good order and shall be placed under the charge of responsible persons who shall be readily available during working hours.

PROCEDURE IN APPEALS.

*Section 37 (2) (n).*

81. An appeal presented under section 50 of the Act shall lie to the Collector, Civil and Military Station, Bangalore, and shall be in the form of a memorandum setting forth concisely the grounds of objection to the order and bearing a court-fee stamp in accordance with Article 11 of Schedule II of the Court-fees Act, and shall be accompanied by a copy of the order appealed against.

82. On receipt of the memorandum of appeal the appellate authority shall, if it thinks fit or if the appellant has requested that the appeal should be heard with the aid of assessors, call upon the body, if any, declared to be the body representative of the industry concerned under sub-section (3) of section 50 of the Act, to appoint an assessor within a period of 14 days. If an assessor is nominated by such body, the appellate authority shall appoint a second assessor itself. It shall then fix a date for the hearing of the appeal and shall give due notice, of such date to the appellant and to the Inspector whose order is appealed against, and shall call upon the two assessors to appear upon such date to assist in the hearing of the appeal.

83. An assessor appointed in accordance with the provisions of rule 82 shall receive for the hearing of the appeal, a fee to be fixed by the appellate authority subject to a maximum of Rs. 50. The fee shall be paid by Government, but where assessors have been appointed at the request of the appellant and the appeal has been decided wholly or partly against him, the appellate authority may direct that the fees of the assessors shall be paid in whole or in part by the appellant.

MANNER OR SERVICE OF NOTICE.

*Section 37 (2) (o).*

84. The despatch through the post, under registered cover of any notice, order or extract of an Inspector's report sent under the Act or under these rules, shall be deemed a sufficient service on the occupier or manager of the factory of such notice or order or of any directions contained in such extract.

INSPECTOR'S REGISTER OF FACTORIES.

*Section 37 (2) (b).*

85. The Inspector shall maintain a register of all factories under his charge in Form L. On receiving a notice under section 33 of the

Act, the Inspector shall, unless it appears to him that the premises do not constitute a factory, place the factory on his Register of Factories.

86. When the Inspector has reason to believe that any premises situated within the local limits for which he is appointed and not already registered as a factory ought to be included in his register he shall send to the occupier of the premises a notice intimating his intention of placing such premises on his Register of Factories.

87. Any person served with a notice under rule 86 may, within 15 days of the receipt of such notice, forward to the Inspector a statement setting forth his objections to the registration of his premises as a factory. The Inspector shall consider and dispose of such objections after making such enquiry as he may deem necessary; he shall in the case of premises falling under sub-section 3 (a) of section 2 communicate his decision to the person concerned, or, if he considers that the premises should be notified by the Local Government under sub-section (3) (b) of section 2, report the matter to his immediate superior.

88. When any premises cease to be occupied as a factory, the occupier may give notice of the fact to the Inspector, who shall, if he is satisfied that the Act is no longer applicable to such premises, remove them from his Register of Factories. The Inspector may without such notice of his own motion at any time remove any factory from his register if satisfied that it is no longer used as such.

89. A seasonal factory shall not be removed from the register if there is a probability of its starting work again within a reasonable time.

FORM B. [*Vide* also Rule 71.]

NOTICE OF OCCUPATION.

*Written notice prescribed under Section 33 of the Act.*

1. Name of occupier.
2. Name of factory
3. Full postal address of factory
4. Nature of moving power
5. Nature of work carried on
6. Name of Manager for the purpose of the Factories Act

(*Full signature of Occupier.*)

(*Full signature of Manager.*)

\* \* \* \* \*

NOTE 1.—In the case of seasonal factories this notice must be forwarded to the Inspector on or before the date of starting work for each season.

NOTE 2.—If the Occupier or Manager of a factory wishes his factory removed from the operation of the Act he must make application to the Inspector stating his reasons in accordance with rule 88.

<sup>1</sup> Omitted by Notification No. 124, dated the 18th October, 1924. *Mysore Residency Orders*, 1924, Pt. I, p. 56.

FORM C. [Vide also Rule 73.]  
NOTICE AND RETURN PRESCRIBED UNDER SECTION 36.  
Name of factory— Place— District—

[illegible]

FORM D. [Vide also Rules 5, 60, 62 and 72.]  
PART I—Men.

### REGISTER OF WORKERS UNDER SECTION 35.

## PART II—Women.

[illegible]

## PART III—Boys.

## REGISTER OF WORKERS UNDER SECTION 35.

## PART IV—Girls.

| DISTRICT. |       |                |                    |                       | PLACE.         |    |                |    |           |    |              | FACTORY. |     |       |                     |                          |                                   |          |
|-----------|-------|----------------|--------------------|-----------------------|----------------|----|----------------|----|-----------|----|--------------|----------|-----|-------|---------------------|--------------------------|-----------------------------------|----------|
| No.       | Name. | Father's name. | Caste or religion. | Nature of occupation. | HOURS OF WORK. |    |                |    |           |    |              |          |     |       | Total weekly hours. | Provisional Certificate. | Certifying Surgeon's Certificate. | Remarks. |
|           |       |                |                    |                       | Days of week.  |    |                |    |           |    | Day of week. |          |     |       |                     |                          |                                   |          |
|           |       |                |                    |                       | First period.  |    | Second period. |    | No. Date. |    |              |          |     |       |                     |                          |                                   |          |
|           |       |                |                    |                       | From           | To | From           | To | From      | To | No.          | Date.    | No. | Date. |                     |                          |                                   |          |
| 1         | 2     | 3              | 4                  | 5                     | 6              | 7  | 8              | 9  | 10        | 11 | 12           | 13       | 14  | 15    | 16                  | 17                       |                                   |          |
|           |       |                |                    |                       |                |    |                |    |           |    |              |          |     |       |                     |                          |                                   |          |

## FORM E. [Vide Rule 9.]

1. Serial No.

Date

2. Name

3. Father's name

4. Sex and caste or religion

5. Residence

6. Age certified

7. Physical fitness

8. Distinctive marks

9. Reason for

(1) refusal of certificate

or

(2) certificate being revoked

Thumb impression.

*Initials of  
Certifying Surgeon.*

## CERTIFICATE.

Serial No.

Date

I HEREBY certify that I have personally examined (name)

son of , (caste  
daughter

etc.) , residing at

who

is desirous of being employed in a

factory, and that his age, as nearly

as can be ascertained from my examination, is years, and that

he is fit for employment in a factory.

his descriptive marks are

His

Her

Thumb impression.

*Certifying Surgeon.*

\* Note.—Exact details of cause of physical disability should be clearly stated.

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FORM F. [Vide Rule 11.]

REGISTER OF FEES PAID FOR THE ISSUE OF DUPLICATE CERTIFICATES UNDER  
SECTION 7 OF THE FACTORIES ACT.

| Date. | Serial No. | No. of previous certificate. | Name of person to whom granted. | Initial of certifying Surgeon. |
|-------|------------|------------------------------|---------------------------------|--------------------------------|
|       |            |                              |                                 |                                |

Paid into Treasury

Date

Signature of Certifying Surgeon

FORM G. [Vide Rules 4, 15 and 26.]

LIMEWASHING, ETC.

| Part of Factory,<br>e.g., name of<br>room. | Parts limewashed,<br>painted or varnished,<br>e.g., walls, ceilings,<br>woodwork, etc. | Treatment<br>(whether lime-<br>washed, painted<br>or varnished.) | Date on which lime-<br>washing, painting or<br>varnishing was carried<br>out (according to the<br>English calendar.) |        |       | Signature of<br>Occupier or<br>Manager. | Remarks. |
|--|--|--|--|--------|-------|---|----------|
|  |  |  | Day.   | Month. | Year. |   |          |
|  |  |  |  |        |       |   |          |

(Signature of Occupier.)

(Signature of Manager if Occupier is absent.)



under Acts locally applied.)

FORM H. [Vide Rules 4 and 22.]

PARTICULARS OF ROOMS IN THE FACTORY.

| Name of room in factory. | Dimensions of room in feet. |          |         | Total floor area in square feet. | Floor area occupied by machinery in the room. | Breathing spaces (cubic feet) contents in cubic feet. | Net floor area. | Number of tall spaces above & containing openings. | Maximum number of persons who may be employed in the room. | Remarks. |
|--------------------------|-----------------------------|----------|---------|----------------------------------|---|---|-----------------|--|--|----------|
|                          | Length.                     | Breadth. | Height. |                                  |   |   |                 |  |  |          |
|                          |                             |          |         |                                  |   |   |                 |  |  |          |

(Signature of Occupier.)

(Signature of Manager if Occupier is absent.)

FORM J. [Vide Rules 4, 28, 59 and 70].

| Section or Rule from which exemption is given. | Subject dealt with. | Extent of and reason for exemption. | Date and number of order. |
|--|---------------------|-------------------------------------|---------------------------|
|  |                     |                                     |                           |

FORM K. [Vide Rules 77 and 78].

REPORT OF ACCIDENTS.

Required under Indian Factories Act and Factory Rules

Not to be filled up by the management.

|   |   |
|---|---|
| { | District                                      |
|   | Date of receipt                               |
|   | Accident No.                                  |
|   | Classification, i.e., fatal, serious or minor |

Date of Enquiry

Result of Enquiry

1. Name of occupier



FORM M. [*Vide* Rule 6.]  
 DIARY OF THE INSPECTOR OF FACTORIES, C. & M. STATION, BANGALORE,  
 FOR THE MONTH OF 19 .

| Date. | Place. | Factories visited or other work done. | List of sections and rules under which orders are served. |
|-------|--------|---------------------------------------|---|
|       |        |                                       |   |

FORM N.

FACTORY INSPECTION REPORT.

[*Vide* Rule 5 (a).]

District

Date of last inspection.

Place

Date and time of inspection.

Previous order No.

Dated

Question No.

1. Name of factory.
2. Class (seasonal or non-seasonal) and kind of factory.
3. Name of occupier.
4. Name of Manager.
5. Factory working—not working.
6. Factory notified—Registered.
7. No. of employees on the day of inspection.
 

|  |       |        |
|--|-------|--------|
|  | Men   | Boys   |
|  | Women | Girls. |
- Have more than 19 persons been employed on any one day during the last 12 months?
8. Power in use.

*Health and safety.*

9. Is ventilation sufficient to render harmless gases, vapour, dust, etc.? [Section 9 (c).]
10. Is dust generated to an injurious extent; if so, is a fan provided? (Section 10.)
11. Is there any accumulation of rubbish, etc.? (Rule 17.)

12. Is the lighting sufficient? (Section 11.)
13. Is the drinking or purified water used for humidifying? (Section 12.)
14. (a) Is there a sufficient and suitable supply of water fit for drinking? (Section 14 and Rules 30 and 31.)
- (b) Is the area around the place where drinking water is distributed properly drained and clear? (Rule 21.)
- (c) Is the water supplied free of cost? (Rule 29.)
15. (a) Are the drains, privies, etc., clean and free from effluvia? [Section 9 (a).]
- (b) Are the drains properly constructed? (Rule 16.)
16. Is the compound surrounding the factory sanitary and clean? (Rule 19.)
17. Is latrine accommodation sufficient and suitable or is factory exempt? (Section 13 and Rules 24, 25, 27 and 28.)
18. (a) Are the doors of rooms in which more than 30 persons are employed made to slide or open outward? (Section 15.)
- (b) Was the factory constructed before or after 1st July, 1912?
19. Are the means of escape in case of fire sufficient? (Section 16 and Rule 32.)
20. Do the windows and doors of staircases open outward? (Rule 33.)
21. Are the provisions relating to smoking and the use of naked lights in the vicinity of any inflammable material observed? (Section 17.)
22. (a) Is the fly wheel fenced? (Section 18.)
- (b) Are the hoist or teagle and hoist-wall trap doors fenced? [Section 18 (b).]
- (c) Are the hoist gates self-locking and incapable of being opened unless the cage is opposite the floor? (Rule 39.)
23. Are all parts of transmission machinery securely fenced? (Rule 35.)
- (1:
- (2)
- (3)
24. Are all parts of machine tools securely fenced? (Rule 36.)
25. Is every platen machine fitted with a finger guard? (Rule 37.)
26. Are emery wheels provided with strong wrought iron guards? (Rule 38.)

27. Are circular saws provided with strong guards and riving knife? (Rule 40.)
28. Are important pulleys provided with belt hangers? (Rule 43.)
29. Are suitable string gears provided to move driving straps on all fast and loose pulleys? (Rule 44.)
30. Are only experienced and specially trained persons allowed to lubricate bearing or gear wheels, replace or adjust belts? (Rule 45.)
31. Are service platforms and gangways provided for overhead shafting and securely fenced where required? (Rule 46.)
32. Is transmission machinery in motion cleaned by cotton waste rags or similar materials held in the hand? (Rule 47.)
33. Are shifting ladders provided with hooks? (Rule 48.)
34. Is tight clothing worn by oilers and persons replacing belts? (Rule 49.)
35. Is safe and convenient access provided to all bearings? (Rule 50.)
36. Are water gauge glasses on boilers of over 100 lb. pressure guarded? (Rule 51.)
37. Are additional weights placed on the safety valve of boiler? (Rule 52.)
38. Are safety valves and pressure gauges fitted to all sizing cylinders, kiers, digesters, steam jacketted pans or other vessels worked under pressure? (Rule 53.)
39. Is there any part of the machinery or mill gearing that requires to be fenced? (Give particulars in detail.) [Section 18 (2).]

*NOTE.*—Order under this section should specify time.

40. Is all fencing constantly maintained in an efficient state? [Section 18 (3).]
41. Is there any part of the factory, or any part of the ways, works, machinery or plant in such a condition that it cannot be used without danger to human life or safety? [Section 18A (i) (a & b).]
42. Is there any part of the ways, works, machinery or plant in factory involving imminent danger to human life? [Section 18-A (2).]
43. Are women and children prevented from cleaning machinery whilst in motion and working between the fixed and traversing parts of self-acting machines? (Section 19.)

44. Are women and children prevented from working in a room in which the delivery end of a cotton opener is situated? (Section 20.)
45. Are persons under the age of 18 and women employed in any of the operations specified in Part I or in Part II of the Schedule? (Section 19-B.)

TEXTILE FACTORIES—*Additional questions.*

46. Are fencing and guarding efficient? (Rule 41.)

In (1) blowing room machinery.

(a)

(b)

(c)

(d)

(e)

(2) Carding machines.

(a)

(b)

(3) Drawing frames.

(4) Speed frames.

(a)

(b)

(c)

(d)

(5) Self acting mules.

(a)

(b)

(c)

(d)

(e)

(f)

(g)

(6) Ring and throstle and doubling frames.

(a)

(b)

(7) Calendering machines.

- re su cient means provided for the removal of steam in slasher sizing room in cotton mills? [Rule 23 (i).]
- Is any other process carried on in slasher sizing rooms? [Rule 23 (i).]

#### *GINNING FACTORIES—Additional Questions.*

48. (1) Is the lineshaft to second motion completely enclosed? [Rule 42 (a).]
- (2) Are the toothed rollers of openers guarded? [Rule 42 (b).]
- (3) Is the spur gearing at the side of the opener completely covered? [Rule 42 (c).]
- (4) Are the crank shaft pulleys and roller pulleys of all gins securely guarded? [Rule 42 (d).]
- (5) Are the spur wheels, oscillating levers and rollers of gins provided with guards? [Rule 42 (e).]
49. Are two flights of stairs provided? (Rule 34.)

#### *ELECTRICAL FITTINGS—Additional Questions.*

50. (1) Are all electrical conductors protected? [Rule 54 (i).]
- (2) Are all electrical apparatus, machines and fittings protected and provided with efficient handles? [Rule 54 (ii).]
- (3) Are only specially trained and experienced persons allowed to operate electrical apparatus? [Rule 54 (iii).]
- (4) Are instructions regarding restoration of persons suffering from electric shock affixed both in English and the Vernacular? [Rule 54 (iv).]

#### **HOURS OF EMPLOYMENT, HOLIDAYS, NOTICES AND REGISTERS, ETC.**

##### *General.*

51. Is the Inspection Book maintained and are the Forms J, G and H pasted in it? (Rule 4.)
52. (1) Is an interval allowed under section 21 (1) (a) (i) or under section 21 (1) (a) (ii)?
- (2) Has any request been received from employees for application of provisions of section 21 (1) (a) (ii)? (Rule 55.)
- (3) Has any request been received to abolish the above provisions? (Rule 57.)

*Result.*

- (4) Is the list of persons to whom the provisions of section 29 have been applied entered in Form J? (Rule 70.)
- (5) Have the limewashing and tarring been done? (Rules 15 and 26.)
- Has the painting or varnishing been done? (Rule 15.)
- Are the particulars entered in Form G?
- (6) Are the floor and breathing areas sufficient? (Rule 22.)
- Are the ventilating openings sufficient? [Rule 23 (ii).]
- Are the particulars entered in Form H?
- (7) Are the rooms overcrowded? [Section 9 (b) and Rule 22 (i).]
53. (a) If any person worked on a Sunday, was a substituted holiday given? [Section 21 (i) (a).] Give the dates.
- (b) Was the Factory Inspector notified as to Sunday work? [Section 21 (b).]
- (c) Was the required notice affixed in the factory? [Section 21 (b).]
- (d) Has the holiday return been submitted?
- (e) If exemption to section 22 has been granted, has compensatory period of rest been given and entered in Form J? (Rules 58 and 59.)
54. Have any persons been employed for more than 10 consecutive days without a holiday for a whole day? [Proviso to section 22 (b).]
55. Is any person employed for more than 11 hours on any one day? (Section 28.)
56. Is any person employed for more than 60 hours in any one week? (Section 27); if so, is he paid at least one and a quarter times the usual rate for overtime? (Section 31 and Rule 65.)
57. Has the factory been exempted by Government from the provisions of sections 21, 22, 27 and 28? (Sections 30 and 32.)
58. Do women exempted from section 27 work more than 6 hours overtime per week? (Rule 63.)
59. Do men exempted from sections 27 and 28 work more than 12 hours per day? (Rule 64.)
60. (a) Are the hours of employment of persons employed in the factory specified? (Section 26.)
- (b) Is any person employed except during such hours?
61. (a) Is any person employed in any other factory allowed to be employed in this factory on the same day? (Section 25.)



e or sanctioned employment of men in more than one factory on the same day? (Rule 61.)

(c) Are the names of such persons entered in the register of workers? (Rule 62.)

62. Is there any child in the factory who in the opinion of the Inspector is no longer fit for employment? (Section 8-A.)

63. Are there any children who by reason of their age cannot be lawfully employed without involving danger to or injury to the health of such children? (Section 19-A.)

64. (a) Is every child in possession of a medical certificate? [Section 23 (a).]

(b) Is every child in possession of a token? (Rule 60.)

(c) Are 'provisional' certificates less than three months old? [Section 8 and Rule 12 (ii).]

65. Does any child work between 7 p.m. and 5-30 a.m.? [Section 23 (b).]

66. Does any child work for more than six hours per day? [Section 23 (c).]

67. Does any woman work between 7 p.m. and 5-30 a.m.? [Section 24 (a).]

68. Has notice under section 33 (1) been received? [Section 33 (1).]

NOTE.—Seasonal factories must submit this notice before each season.

69. Has the change of Manager been notified? [Section 33 (2).]

70. Have the necessary notices of accidents been sent? (Section 34 and Rules 75—78.)

71. Are first aid appliances kept available if the factory employs 500 persons or more? (Rule 80.)

| Men   | Boys  |
|-------|-------|
| Women | Girls |

72. Is the register of workers kept? (Section 35 and Rule 72.)

73. (a) Are the abstracts at the proper place? [Section 36 (1).]

(b) Are the standing orders affixed in a conspicuous place?

74. Has a copy of the Notice of Standing Orders been sent to the Factory Inspector? [Section 36 (2).]

75. Is the notice kept up to date and are changes duly notified to the Factory Inspector? [Section 36 (3).]

CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Orders 567  
under Acts locally applied.)

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*Orders served during the last inspection.*

(Here enter items of previous orders and against each whether complied with or not.) Remarks.

*Miscellaneous for Administration Report.*

Housing accommodation

Dispensaries

Schools

Creches

Washing places

Tiffin rooms

Fires

Epidemics

Increase or decrease in wages

Strikes

Welfare Committee or other welfare work.

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FORM O. [Vide Rule 5 (c).]

No. \_\_\_\_\_

INSPECTOR OF FACTORIES' OFFICE.

Dated the \_\_\_\_\_ 19 .

THE INDIAN FACTORIES ACT, 1911, AS AMENDED BY ACTS  
II OF 1922 AND IX OF 1923. AND THE FACTORY RULES,  
1924, MADE THEREUNDER.

Upon a recent inspection of your factory it was found, to the extent indicated below, that certain provisions of the above Act and Rules were not being carried out. I therefore request that the necessary steps be taken at once to comply with the law.

Yours faithfully.

*Inspector of Factories.*

FORM P. [Vide Rule 66.]

*Mustar Roll for persons on exempted work.*

| District                   |       | Place          |                            | Name of factory |                | Month                      |    | Year            |                            |    |                     |                            |  |                     |  |  |
|----------------------------|-------|----------------|----------------------------|-----------------|----------------|----------------------------|----|-----------------|----------------------------|----|---------------------|----------------------------|--|---------------------|--|--|
| 1                          | 2     | Sunday, Date 3 |                            |                 | Monday, Date 4 |                            |    | Tuesday, Date 5 |                            |    | Wednesday, Date 6   |                            |  |                     |  |  |
| Number.                    | Name. | First period.  |                            |                 | First period.  |                            |    | First period.   |                            |    | First period.       |                            |  |                     |  |  |
|                            |       | From           | To                         |                 | From           | To                         |    | From            | To                         |    | From                | To                         |  |                     |  |  |
|                            |       | Second period. |                            |                 | Second period. |                            |    | Second period.  |                            |    | Second period.      |                            |  |                     |  |  |
|                            |       | From           | To                         |                 | From           | To                         |    | From            | To                         |    | From                | To                         |  |                     |  |  |
| Third period.              |       |                | Third period.              |                 |                | Third period.              |    |                 | Third period.              |    |                     |                            |  |                     |  |  |
| From                       | To    |                | From                       | To              |                | From                       | To |                 | From                       | To |                     |                            |  |                     |  |  |
| Thursday, Date 7           |       |                | Friday, Date 8             |                 |                | Saturday, Date 9           |    |                 | 10                         |    |                     | 11                         |  |                     |  |  |
| Number.                    | Name. | First period.  |                            |                 | First period.  |                            |    | First period.   |                            |    | Total weekly hours. |                            |  | Usual weekly hours. |  |  |
|                            |       | From           | To                         |                 | From           | To                         |    | From            | To                         |    | Usual weekly hours. |                            |  | Usual weekly hours. |  |  |
|                            |       | Second period. |                            |                 | Second period. |                            |    | Second period.  |                            |    | Total weekly hours. |                            |  | Usual weekly hours. |  |  |
|                            |       | From           | To                         |                 | From           | To                         |    | From            | To                         |    | Total weekly hours. |                            |  | Usual weekly hours. |  |  |
| Third period.              |       |                | Third period.              |                 |                | Third period.              |    |                 | Total weekly hours.        |    |                     | Usual weekly hours.        |  |                     |  |  |
| From                       | To    |                | From                       | To              |                | From                       | To |                 | Total weekly hours.        |    |                     | Usual weekly hours.        |  |                     |  |  |
| Total amount of work done. |       |                | Total amount of work done. |                 |                | Total amount of work done. |    |                 | Total amount of work done. |    |                     | Total amount of work done. |  |                     |  |  |
| From                       |       |                | From                       |                 |                | From                       |    |                 | From                       |    |                     | From                       |  |                     |  |  |
| To                         |       |                | To                         |                 |                | To                         |    |                 | To                         |    |                     | To                         |  |                     |  |  |

[Mysore Residency Orders, 1924, Pt. I, p. 84.]

*Annual Returns.*

No. 459-I., dated the 9th September, 1925.—In exercise of the powers conferred by section 38 of the Indian Factories Act, 1911 (XII of 1911), as applied to the Civil and Military Station of Bangalore, and

in supersession of the rule published with the notification of the Government of India in the Foreign and Political Department, No. 342-L., dated the 2nd July 1924, the Governor General in Council is pleased to make the following rule, the same having been published as required by section 39 of the said Act, namely:—

*Rule.*

“ Every Manager of a Factory shall furnish to the Inspector of Factories or other officer designated by the Resident in Mysore in this behalf on or before the 15th January of each year, an annual return in duplicate in the form set forth in the schedule hereto annexed.

Provided that in the case of a factory in which work is carried on only during a certain season or certain seasons of the year, the Manager shall, if so required by the Resident in Mysore, submit the annual return within fifteen days after the close of that season or of the last of those seasons as the case may be.

**SCHEDULE.**

|  |   |     |       |          |       |
|--|---|-----|-------|----------|-------|
| Name of Factory  | year ending 31st December 19 .<br>Season(s) ending 19 .   |     |       |          |       |
| Name of Occupier   | Name of Manager   |     |       |          |       |
| 1. District  |   |     |       |          |       |
| 2. Place   |   |     |       |          |       |
| 3. Nature of Industry  |   |     |       |          |       |
| 4. Average number of operatives employed daily                             | <table> <tr><td>Men</td></tr> <tr><td>Women</td></tr> <tr><td>Boys</td></tr> <tr><td>Girls</td></tr> </table> | Men | Women | Boys     | Girls |
| Men  |   |     |       |          |       |
| Women  |   |     |       |          |       |
| Boys   |   |     |       |          |       |
| Girls  |   |     |       |          |       |
| 5. Normal hours worked per week  | <table> <tr><td>Men</td></tr> <tr><td>Women</td></tr> <tr><td>Children</td></tr> </table>                     | Men | Women | Children |       |
| Men  |   |     |       |          |       |
| Women  |   |     |       |          |       |
| Children   |   |     |       |          |       |
| 6. What intervals are given to adults?                                     |   |     |       |          |       |
| 7. Are rest intervals given to children?                                   |   |     |       |          |       |
| 8. Are week days sometimes substituted for Sundays as weekly holidays?     |   |     |       |          |       |
| 9. Are the majority of operatives exempted from the provisions of sections | <table> <tr><td>21?</td></tr> <tr><td>22?</td></tr> <tr><td>27?</td></tr> <tr><td>28?</td></tr> </table>      | 21? | 22?   | 27?      | 28?   |
| 21?  |   |     |       |          |       |
| 22?  |   |     |       |          |       |
| 27?  |   |     |       |          |       |
| 28?  |   |     |       |          |       |

INDIAN AIRCRAFT ACT, 1911.

*Bangalore Airship Rules, 1913.*

No. 62, dated the 16th October, 1913.—The Resident in Mysore is pleased to make the following rules in exercise of the powers conferred by sections 3 and 6 of the Indian Airships Act, 1911 (XVII of 1911), as applied to the Civil and Military Station of Bangalore:—

*Rules.*

1. These rules may be cited as the Bangalore Airship Rules, 1913.
2. In these rules, the "Act" means the Indian Airships Act, 1911, as applied to the Civil and Military Station of Bangalore, and "license" means a license granted under these rules.
3. No person shall possess or use an airship save under and in accordance with the conditions of a license granted under these rules.
4. The authority empowered to grant a license shall be the District Magistrate.
5. Every applicant for a license shall furnish the particulars set forth in Form I in the schedule.
6. On receipt of an application in accordance with the provisions of rule 5, the District Magistrate may, if he thinks fit, grant a license in Form II in the schedule.
7. Any license may be cancelled by the District Magistrate—
  - (a) if he is satisfied that such license was obtained by fraud or misrepresentation;
  - (b) if the license-holder contravenes the provisions of the Act or these rules or any condition contained in the license.
8. Subject to the provisions of the Act and of rule 7, a license shall be valid for a period of one year.
9. On the expiration of a license, the same may, from time to time, be renewed for any period not exceeding one year by the District Magistrate who shall signify the fact of the renewal by an endorsement on the original license.
10. When any license is cancelled under rule 7, the licensee shall deliver over the same to the District Magistrate.
11. Any order made by the District Magistrate under these rules shall be subject to revision by the Resident in Mysore.
12. The carrying of any explosives, arms or ammunition, or wireless telegraphic apparatus on any airship is prohibited.
13. The carrying of any carrier-birds or photographic apparatus on any airship is prohibited, provided that the Resident may, subject to

such conditions and restrictions as he may impose, grant permission to be recorded in writing to the licensee of an airship to carry carrier-birds or photographic apparatus therein.

14. Every licensee shall produce his license and produce or account for the airship covered by such license when called upon to do so by any Magistrate, or any Police officer above the rank of Head Constable, or, if no Magistrate or Police officer of such rank is present, any commissioned officer of His Majesty's Royal Navy, Royal Indian Marine or land forces in India.

15. Any Magistrate or officer empowered under rule 14 may—

- (i) enter, inspect and examine any place or carriage in which an airship is possessed or used under a license, or in which he has reason to believe that an airship has been or is possessed or used in contravention of the provisions of the Act, or of these rules;
- (ii) search for airships therein;
- (iii) seize, detain and remove any airship which he has reason to believe is possessed or used in contravention of the Act or these rules; and
- (iv) search any airship for explosives, arms, ammunition, carrier-birds, photographic or wireless telegraphic apparatus, and seize, detain and remove such things found therein in contravention of the Act or these rules.

16. Any license contravening rule 10 or 14 shall be punishable with imprisonment which may extend to one month or with fine which may extend to Rs. 200 or with both.

## THE SCHEDULE.

### FORM I.

(See rule 5.)

1. Name, occupation and residence of applicant.
2. Description of airship.\*
3. Maker of airship.

\* The description of the airship shall include the following particulars:—

- (1) For dirigibles—
  - (a) Type, rigid, semi-rigid or non-rigid.
  - (b) Cubic capacity of envelope.
  - (c) Over all length.
  - (d) Diameter.

- 
4. Description of engines.†
  5. Whence airship has been obtained.
  6. Place at which airship will be kept.
  7. (a) Whether applicant has previously been granted a license or not, and  
(b) if previously granted a license, the date and details of the license and whether cancelled for breach of condition or for any other cause.

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FORM II.

*Form of license to possess and use an airship (see rule 6).*

No.                      of 19                      .

License to possess and use an airship granted in accordance with rule 3 of the Bangalore Airship Rules, 1913.

(Name)

(Address)

of  
is hereby licensed to possess and use an airship. (*Here give particulars in accordance with the application.*)

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- 
- (e) Material of which envelope is made and name of maker.
  - (f) Total carrying capacity in weight.
  - (g) Total carrying capacity in number of passengers.
- (2) For aeroplanes—
- (a) Type, monoplane or bi-plane.
  - (b) Whether tractor or propeller driven.
  - (c) Total span (port to starboard).
  - (d) Total length (fore and aft).
  - (e) Height.
  - (f) Total carrying capacity in weight.
  - (g) Total carrying capacity in live load including pilot.
  - (h) Disposal of seating accommodation, i.e., side by side or tandem.
  - (i) Position of driving seat in relation to passengers, i.e., in front or behind or right or left.
  - (j) Whether fitted with dual control.

† The description of engines shall include a statement of the number and size of the cylinders and the horse power developed.

This license is granted subject to all the provisions of the Indian Airships Act, 1911, as applied to the Civil and Military Station of Bangalore and of the Bangalore Airship Rules, 1913, and to the following conditions, namely:—

- (1) The licensee shall notify either personally or by registered letter the authority by whom this license is granted of any change in the place where such airship is kept provided that such change is for a period exceeding fifteen days.
- (2) The licensee shall notify either personally or by registered letter the said authority of the destruction, loss, export, transfer or intended transfer of the said airship, and in case of transfer, of the name and address of the transferee or intending transferee.
- (3) The licensee shall return the license to the authority granting it when the airship is destroyed, exported, transferred, sold or lost beyond recovery.

*Signature.*

*Commissioner of Police.*

*or District Magistrate.*

*or Assistant Resident.*

*Dated*

*19*

[*Gazette of India*, 1913, Pt. II, p. 1969.]

#### CO-OPERATIVE SOCIETIES ACT, 1912.

##### *Remission of income-tax and registration fees.*

No. 2848-I. B., dated the 6th November, 1917.—In exercise of the powers conferred by section 28 of the Co-operative Societies Act, 1912 (II of 1912), as applied to the Civil and Military Station of Bangalore, the Governor General in Council is pleased to remit:—

(1) the income-tax payable in respect of the profits of any Co-operative Society for the time being registered under the Act, or of the



dividends or other payments received by the members of any such Society on account of profits, and

(2) the following fees payable under the law of registration for the time being in force, namely:

- (a) all fees payable by, or on behalf of, any Co-operative Society for the time being registered under the Act, and
- (b) all fees payable in respect of any instrument executed by any officer or member of such a society and relating to the business thereof.

[*Gazette of India*, 1917, Pt. I, p. 1938.]

*Rules.*

*No. 9982, dated the 20th December, 1919.*—In exercise of the powers conferred by section 43 of the Co-operative Societies Act, 1912, as applied to the Civil and Military Station of Bangalore, by the Notification of the Government of India in the Foreign and Political Department No. 318-D,<sup>1</sup> dated the 16th January, 1917, the Hon'ble the Resident in Mysore is pleased to make the following rules to carry out the purposes of the Act in the Civil and Military Station of Bangalore, namely:—

In these rules:—

- (a) the expression "the Act" means the Co-operative Societies Act, II of 1912;
- (b) terms defined in the Act shall bear the meanings respectively assigned to them therein.

*Rules.*

I. Any body of persons desirous of applying for registration as a co-operative society under section 8 of the Act, shall apply to the Registrar of Co-operative Societies in the form prescribed in the schedule appended to these rules.

II. With every application for registration, the applicants shall submit a draft of the bye-laws agreed upon by them. The bye-laws shall be consistent with the Act and with the rules made by the Government thereunder and they shall deal with the matters specified in clauses (a) to (v) below and may deal with such other matters incidental to the organization of the society and the management of its business as may be deemed necessary—

- (a) the name and address of the society;
- (b) the area of its operations;
- (c) the objects of the society;

<sup>1</sup> See now Notification No. 261-I., dated the 24th April, 1929, *supra*, p. 39.

- (d) the purpose to which its funds are applicable;
- (e) the qualifications for admission to membership and the payment, if any, to be made or interest to be acquired as a condition of exercising the right of membership;
- (f) the nature and extent of the liability of the members for the debts contracted by the society;
- (g) the circumstances under which withdrawal from membership shall be permitted;
- (h) the procedure to be followed in cases of withdrawal, ineligibility and death of members;
- (i) under what conditions, if any, the transfer of a share or the interest of a member shall be permitted;
- (j) the nature and amount of the share capital, if any, of the society and where there is a share capital the maximum share capital which a single member can hold;
- (k) the circumstances under which the society may borrow funds and the procedure to be followed in so borrowing;
- (l) the entrance and miscellaneous fees and fines, if any, to be collected from members;
- (m) the maximum loan admissible to a member and the procedure to be followed in granting loans and extensions or renewals and in recovering loans from members;
- (n) the conditions on which loans may be granted to members;
- (o) the consequences of default in payment of any sum due by a member;
- (p) the maximum dividend payable on subscribed share capital to members;
- (q) the rates of interest payable by the society on borrowed funds and by members on loans granted to them;
- (r) in the case of productive and distributive societies the procedure to be followed in purchasing and selling stores, raw material and finished products;
- (s) the mode of holding meetings, the right of voting and, subject to rule III, the manner of making, altering and abrogating bye-laws;
- (t) the mode of appointment and removal of the managing committee and of other officers, if any, and the duties and powers of the committee and such officers;
- (u) the mode of custody and investment of the funds and, subject to rules V and VII, the mode of keeping the accounts;
- (v) the disposal of the net profits.

III. The Registrar shall satisfy himself that the proposed society does not contravene any of the provisions of the Act, that its draft bye-laws are suitable and that it has reasonable chance of success with reference to local conditions. The Registrar may, before passing final orders, call for such further information or make such enquiry as he may deem necessary. It shall also be competent to the Registrar, before registering a society, to make such alterations in the draft bye-laws submitted with the applications for registration as he may deem advisable. When the Registrar registers a society, he shall issue to it, free of cost, a certificate of registration signed by himself and bearing his official seal; and he shall also issue to the society along with the certificate of registration a certified copy of the draft bye-laws as approved and registered by him, and these bye-laws shall subject to the result of any order passed by the Hon'ble the Resident on appeal under rule IV or in revision, be the bye-laws of the society. Should the Registrar refuse to register a society, he shall record a brief statement of his reasons for such refusal and the applicants shall be given free of cost a copy of the Registrar's order of refusal. Where officers subordinate to the Registrar have been empowered to exercise any powers of the Registrar, their orders under this rule shall be subject to revision by the Registrar and all orders of the Registrar under this rule shall be open to revision by the local Government.

IV. If the Registrar refuses to register a society or any draft bye-law or draft amendment of a bye-law of a society, an appeal shall lie to the Hon'ble the Resident within two months from the communication of such refusal to the applicants and it shall be competent for the appellate authority to direct the Registrar to register the society or the draft bye-law or the draft amendment of a bye-law or to pass such other order as they may think fit.

V. Every society shall, before the 31st January or such other special date as may in the case of societies applying for the same be fixed by the Registrar, prepare (a) a statement showing its receipts and disbursements during the year ending the 31st December preceding, (b) a statement showing its assets and liabilities as they stood on the 31st December and (c) a statement showing the profit and loss as it stood on 31st December. These three statements shall be submitted to the Registrar without delay. After the Registrar has verified the statements and granted his audit certificate, the society shall publish the statements in a manner approved by the Registrar. For the 31st December referred to above, the Registrar may fix such other date as seems to him suitable.

VI. Copies of such entries in the books of a society as may be required for the purpose of section 26 of the Act shall be made by the President or the Secretary of the Society and shall be certified by not

more than three members of its managing body including such President and Secretary and shall bear the society's seal.

VII. Co-operative Societies shall keep the following accounts and books for the purpose of recording the business transacted by them:—

(a) *Books to be maintained by credit societies—*

1. Minute book, recording the Proceedings of the Board of management and of the general body of members.
2. Admission book, showing the name and address of each member, the date of his admission and shares taken by him.
3. Cash book, showing daily receipts and expenditure, and the balance at the end of each day.
4. Pass book, to be issued for money received by the society and an individual war ledger showing complete transactions of a member of which the pass book shall be an exact copy.
5. Loan ledger, showing the number and date of disbursement of each loan issued to members, the amount of loan, the purpose for which it is granted and the date or dates of repayment, distinguishing principal and interest.
6. Ledger of borrowings showing deposits and other borrowings of all kinds.
7. Liability register, showing the indebtedness of each member to the society whether on account of loans taken directly by him or on account of loans for which he stands as surety.
8. Monthly register of receipts and disbursements.
9. Such other accounts and books as may be required or prescribed by the Registrar.

(b) *Books to be maintained by central banks.*—In addition to the books to be maintained as above by credit societies, all central banks, that is, societies which lend money to other societies, shall keep the following accounts:—

1. Interest register, showing interest payable and paid by each borrower.
2. Reserve fund register, showing Reserve funds of societies invested in the central bank.
3. Suspense accounts.

(c) *Property statement to be maintained by unlimited liability societies.*—Every society based on unlimited liability shall keep a statement showing the assets and liabilities of each individual member at the date of admission as well as on the last day of each co-operative year.

(d) *Books to be maintained by distributive and productive societies.*—The books for the credit branch of such societies shall be the same as for credit societies other than central banks. In addition the following books shall be maintained by distributive and productive societies:—

1. Goods ledger, containing a classification of goods stocked and sold.
2. Stock purchase book, showing the daily purchase of articles.

(e) The following returns shall be submitted to the Registrar by all co-operative societies annually as soon as practicable after the end of each co-operative year:—

1. Statement of receipts and disbursements.
2. Statement of assets and liabilities.
3. Statement of profit and loss.

(f) The following return shall be submitted every year to the Registrar by distributive and productive societies only:—

Statement of verification of stock on hand at the close of the co-operative year.

VIII The Registrar shall keep—

- (1) a register of the names and addresses of all societies.
- (2) a register of the bye-laws of societies, with true translations in English where the originals are in the vernacular, in order of registration of the societies;
- (3) a register of amendments and alterations in the bye-laws of societies, with translations in English where the originals are in the vernacular, in the order in which the same are certified by him as approved.

IX. (a) In societies with shares and unlimited liability, not less than one-half of the net profits shall be set apart as a reserve fund until that fund is equal to one-half of the total liabilities of the societies other than reserve and share capital. When that portion has been reached not less than one-third of the net profits shall be added to the Reserve fund, provided that if, by any increase in liabilities other than reserve and share capital, the proportion of Reserve fund to such liabilities is again reduced below one-half, the share of the net profits to be credited to the Reserve fund shall be raised to one-half until the proportion is restored. The balance of the net profits, after one-half or one-third has been credited to the reserve as above provided, may be divided among the shareholders, subject to a maximum of 6½ per cent. per annum on the paid-up value of each share. No dividend shall be distributed without the previous sanction of the Registrar.

CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Orders 579  
under Acts locally applied.)

In societies with shares and limited liabilities, not less than one-fourth of the net profits shall be carried to the Reserve fund, after which dividends may be declared up to a maximum of 9 per cent. per annum on the paid-up value of each share.

(b) Societies with shares and unlimited liability, registered as urban societies under India Act X of 1904, may continue to divide profits in accordance with their bye-laws as they stand at the present date; but they shall not increase the proportion of net profit to be divided among the members except in accordance with the foregoing provision.

(c) No bonus, which when added to the dividend, brings the total of bonus and dividend above the maximum laid down in clause (a), shall be allowed but in the case of societies with shares and unlimited liability, the Registrar may sanction the payment of honoraria, on a moderate scale, to the office bearers of the society.

(d) Should a society, whether with limited or unlimited liability, which is competent either under the Act or under the present rules to divide a part of its net profits among its members, elect to appropriate such portion or part thereof to a "common good fund", the purpose designated by the expression "common good" shall be clearly defined in the bye-laws of the society and it shall not be other than a charitable purpose as defined in section 2 of the Charitable Endowments Act, 1890.

X. The reserve fund in a registered society shall be invested or deposited in one or more of the modes mentioned in section 32, sub-section (1), clauses (a), (b) and (d) of the Act.

XI. Where a liquidator has been appointed under section 42, sub-section (1) of the Act, the following procedure shall be adopted:—

- (a) The appointment of a liquidator shall be notified by the Registrar in the Residency Orders.
- (b) The liquidator shall at once publish by such means as he may think proper a notice requiring all claims against the dissolved society to be submitted to him within three months of publication of the notice. All liabilities recorded in the account books of a society shall be deemed *ipso facto* to have been duly notified.
- (c) The liquidator shall submit once in every three months a progress report to the Registrar in such form as the Registrar may require.
- (d) All funds in the charge of the liquidator shall be deposited either in the Post Office Savings Bank or in a Central Co-operative Bank and shall stand in his name.

(e) No appeal shall lie from any order of the liquidator.

(f) At the conclusion of the liquidation a general meeting of the dissolved society shall be called at which the liquidator shall summarise the results of his proceedings, shall point out the causes of the failure of the society and shall take a vote as to the disposal of any cash balance that may remain with him, and dispose of it accordingly.

XII. 1. In the case of a dispute touching the business of the society between members or past members of the society or persons claiming through a member or past member or between a member or past member or persons so claiming and the committee or any officers, a reference in writing may be made by any party to the Registrar.

2. The Registrar shall have power on receipt of such reference either to decide the dispute himself or to refer it for decision to an arbitrator appointed by him with the consent of the parties or to several arbitrators of whom one may be appointed by him and one other by each of the parties to the dispute.

3. The Registrar, the arbitrator or arbitrators shall have power to administer oaths, to require the attendance of all parties concerned and of witnesses and to require the production of all books and documents relating to the matter of the dispute.

4. After hearing the parties to the dispute and examining such witnesses and documentary evidence as may be produced, the Registrar or arbitrator or arbitrators shall give a decision or award in writing, and where there are several arbitrators the opinion of the majority shall prevail.

5. On application to the Civil Court having jurisdiction over the subject matter of the decision or award that Court shall enforce the decision or award as if it were a decree of the Court.

XIII. Every member of a society may nominate a person to whom under section 22 of the Act his share or interest shall be transferred or the sum specified in that section shall be paid. Such member may from time to time revoke or vary such nomination by writing under his hand. Such nomination shall, in the event of his death, be given effect to by the society provided that—

- (1) the nomination was signed by the deceased in the presence of at least two witnesses, attesting the same; .
- (2) the nomination has been registered in the books of the society kept for the purpose; and
- (3) the nominee may become a member only if admitted by the board of management.

CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Orders 581  
under Acts locally applied.)

The sum representing the share or interest of a deceased member in the capital of a society with unlimited liability shall for the purpose of section 22 (1) be the amount actually paid up towards the value of the share or shares held by him.

SCHEDULE.

*Form of application for registration as a co-operative society under Act 11 of 1912.*

1. Name of proposed society.
2. Situation of village or town where society is to be located (district, taluk, nearest railway station or well-known place and distance therefrom).
3. Address of society (including nearest post office).
4. State whether liability of members is to be limited or unlimited.
5. Application to register a society under the above name is hereby made by the persons whose names are submitted hereunder with their signature and particulars of age, profession, residence, etc.
6. With this application is sent a copy of the draft bye-law accepted by the applicants and signed by them.

*N.B.*—Ordinarily at least ten applicants should attest this application and the bye-laws, and when a registered society is one of the applicants a duly authorised person on behalf of such society should sign the application and the bye-laws.

(1)

THE DRAFT BYE-LAWS.

(2)

| No. | Name of applicant. | Father's name. | Age. | Tribe, class or caste. | Profession. | Place of residence | * Property to which applicant has absolute right. | * His debts. |
|-----|--------------------|----------------|------|------------------------|-------------|--------------------|---|--------------|
|     |                    |                |      |                        |             |                    |   |              |
|     |                    |                |      |                        |             |                    |   |              |
|     |                    |                |      |                        |             |                    |   |              |
|     |                    |                |      |                        |             |                    |   |              |
|     |                    |                |      |                        |             |                    |   |              |
|     |                    |                |      |                        |             |                    |   |              |
|     |                    |                |      |                        |             |                    |   |              |
|     |                    |                |      |                        |             |                    |   |              |
|     |                    |                |      |                        |             |                    |   |              |

\* These two columns need not be filled up (1) by applicants for limited liability societies and (2) by applicants for unlimited liability societies who do not propose to borrow from the societies within three months after registration.

[Mysore Residency Orders. 1920. Pt. I. p. 76.]



CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Orders  
under Acts locally applied.)

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INDIAN LUNACY ACT, 1912.

*Appointment of the Lunatic Asylum in Bangalore City, and of  
visitors thereto.*

No. 2739, dated the 19th July, 1895.—Whereas certain rules for the reception and detention of lunatics in asylums were made under the authority of a notification of the Chief Commissioner of Mysore, No. 141, dated the 31st July, 1874, and the same were afterwards amended and were confirmed as amended by a letter of the Government of India, No. 3831-I., dated the 27th October, 1886, and such rules, as so amended and confirmed, are now in force in the Civil and Military Station of Bangalore.

And whereas by the first of such rules the Resident in Mysore is empowered, with the sanction of the Government of India (amongst other things), to appoint a place or places which shall be used as an asylum for the reception and detention of lunatics.

And whereas the lunatic asylum in the City of Bangalore in the territories of His Highness the Maharaja of Mysore is a convenient place to be used as such an asylum, and the Government of Mysore have consented to its use as such and have further consented that all the said rules as so amended and confirmed as aforesaid shall be in force and observed in the management of the said asylum.

The Resident in Mysore, with the previous sanction of the Government of India and the consent of the Government of Mysore, is pleased to appoint the said lunatic asylum to be a place for the reception and detention of lunatics under the rules aforesaid.

Under the provisions of clause 2 of the rules aforesaid, and with the consent of the Government of Mysore, the Resident in Mysore is further pleased to appoint the undermentioned gentlemen as visitors for the said asylum so far as the patients belonging to the Civil and Military Station of Bangalore are concerned:—

The First Assistant Resident in Mysore.

The Collector, Civil and Military Station of Bangalore.

The Residency Surgeon.

[*Gazette of India*, 1895, Pt. II, p. 922.]

PROVIDENT INSURANCE SOCIETIES ACT, 1912.

*First Assistant<sup>1</sup> to the Resident to be Registrar.*

No. 59, dated the 29th July, 1912.—Under Section 2 (9) of the Provident Insurance Societies Act, 1912 (V of 1912) as applied to the

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<sup>1</sup> Now designated Secretary to the Resident.

Civil and Military Station of Bangalore by the notification of the Government of India in the Foreign Department,<sup>1</sup> No. 1498 I. B., dated the 15th July, 1912, the Resident in Mysore is pleased to appoint the First Assistant<sup>2</sup> to the Resident in Mysore for the time being to be Registrar for the said Civil and Military Station.

[*Gazette of India*, 1912, Pt. II, p. 1259.]

*Rules.*

No. 5, dated the 7th February, 1914.—The Resident in Mysore is pleased to make the following rules in exercise of the powers conferred by section 24 of the Provident Insurance Societies Act, 1912 (V of 1912), as applied to the Civil and Military Station of Bangalore.

*Rules.*

I. This Act shall extend to any society receiving premium or contribution for insuring money to be paid on the happening of the following contingencies in addition to those referred to in section 2 (8):—

- (a) Namakaranam (naming of the child).
  - (b) Upanayanam (the thread ceremony among the Hindus).
  - (c) Sunnat (among Muhammadans).
  - (d) Vidyabhyasa (the school going ceremony).
  - (e) Baptism (among Christians).
  - (f) Pilgrimage (to sacred places as Mecca for Muhammadans, and Benares, Tirupati, Bhadrachalam, etc., for Hindus).
  - (g) Attainment of puberty.
  - (h) Simantam (the ceremony performed during the first pregnancy of a woman).
  - (i) Confinement.
  - (j) Widowhood.
- } In the case of women.

II. In addition to the rules required by clauses (a) to (c) of section 5 of the Act, every society shall, within three months of the making and publication of these rules, or if not registered before their publication, before registration under the Act, make rules in respect of the matters specified hereunder:—

- (a) The appointment, qualifications and powers of the directors, or the manager or secretary and of other officers of the society and the conditions under which they may be removed.

<sup>1</sup> See now Notification No. 261-I., dated the 24th April, 1929, *supra*, p. 39.

<sup>2</sup> Now designated Secretary to the Resident.

- 
- (b) The rates of premiums and contributions and the period for which and at which they are payable.
  - (c) The penalty for delay in paying premiums and contributions.
  - (d) The maximum amount payable to a subscriber or policy-holder.
  - (e) The amount to which policy-holder or his representative becomes entitled on the maturity of the policy.
  - (f) The circumstances in which a bonus shall be payable to policy-holders.
  - (g) The nature of the evidence required to prove birth, marriage, death or other event on the occurrence of which the insured amount is payable.
  - (h) The circumstances in which policies may be forfeited and renewed and premiums and contributions already paid may be refunded.
  - (i) The maximum number of policies other than life assurance policies which a single person may hold.
  - (j) The mode of investment of the funds of the society.
  - (k) The allowances payable to agents or canvassers.
  - (l) The procedure to be adopted for the amendment of the rules.
  - (m) The appointment and remuneration of auditors.
  - (n) When the business of provident insurance is combined with other business, the proportion of the income set apart for such business and for insurance.

Such rules shall be deemed to be an amendment of the registered rules of the society and a copy of them shall be sent under section 8 (1) to the Registrar within four months of the making and publication of these rules.

III. The register of members prescribed by section 10 of the Act shall be maintained in Form A appended to these rules.

IV. The name of a society which is required by section 12 of the Act to be displayed shall be displayed in English and in Tamil.

V. The revenue account and balance sheet referred to in section 13 of the Act shall be prepared in Forms B and C appended to these rules, respectively, and the certificate of verification shall be signed by the chairman and two directors of the society, the auditor, the secretary or manager, and if a society has a managing director, by the managing director.

VI. The record of insurances effected on lives other than lives of the persons insuring referred to in section 15 of the Act shall be maintained in Form D appended to these rules. The copy delivered to the Registrar shall be signed by the chairman and two directors of the society, the secretary or manager, and if the society has a managing director, by the managing director.

CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Orders 585  
under Acts locally applied.)

VII. The following fees shall be payable to the Registrar in cash for matters transacted under the Act:—

- |   |        |
|---|--------|
| (1) Registration of a society (section 6) . . . . . | Rs. 40 |
|---|--------|

NOTE.—A society which has already been registered under the Indian Companies Act on payment of the prescribed fee is exempt from payment of any fee for re-registration under this Act.

- |   |       |
|---|-------|
| (2) Registration of amendment of a rule (section 8) . . . . . | Rs. 5 |
|---|-------|

Provided that no more than a single fee of Rs. 5 shall be leviable for the amendment of more than one rule when such amendment is intimated to the Registrar in the same communication.

VIII. A notice or other document shall be deemed to have been duly published under the Act, if it is published in <sup>1</sup>[the local official Gazette] and in the principal newspaper published in the Civil and Military Station of Bangalore.

<sup>1</sup>[IX. No person shall be appointed as an auditor or shall act as such under this Act in respect of a society of which he is a director, member, officer or agent.

IXA. The following persons shall be entitled to be auditors and to act as such in respect of the accounts of any society registered under the Act, viz. :—

(a) Members of the following six bodies, namely, the Institute of Chartered Accountants of England and Wales, the Society of incorporated Accountants and Auditors, the Society of Accountants in Edinburgh, the Institute of Accountants and Actuaries in Glasgow, the Society of Accountants in Aberdeen, the Institute of Chartered Accountants in Ireland, and members of such other bodies as may, from time to time, be notified by the Governor General in Council under the proviso to section 144 (1) of the Indian Companies Act, 1913 (VII of 1913), as entitled to audit companies' accounts.

(b) The holder of any certificate granted by the Resident in Mysore under section 144 (2) of Act VII of 1913, as applied to the Civil and Military Station of Bangalore, or of an unrestricted certificate granted by any other Local Government in British India in exercise of the same statutory power.]

X. The procedure to be adopted by a liquidator appointed by the Registrar under section 19 shall be as under:—

(a) He shall immediately take charge of all the property, moveable and immoveable, and of all the documents and records belonging to the society.

<sup>1</sup> Substituted by Notification No. 43, dated the 18th June, 1914. *Mysore Residency Orders*, 1914, Pt. I, p. 15.

*Form of register of members to be kept pursuant to section 10 of the  
Provident Insurance Societies Act, 1912.*

| Folio<br>in register<br>ledger. | Serial<br>number. | Date of<br>admission. | Name. | Father's name. | Occupation<br>and<br>address. | Date on<br>which he ceased<br>to be a member<br>and the<br>reasons therefor. |
|---------------------------------|-------------------|-----------------------|-------|----------------|-------------------------------|--|
|                                 |                   |                       |       |                |                               |  |

<sup>1</sup> Substituted by Notification No. 43, dated the 18th June, 1914. *Mysore Residency Orders*, 1914, Pt. I, p. 15.

CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Orders 587  
under Acts locally applied.)

FORM B.

Form of revenue account referred to in section 13 of the Provident Insurance Societies Act, 1912.

|   |  |  |  |
|---|--|--|--|
| Amount of funds at the beginning of the year. |  | Claims outstanding under policies that have matured— |  |
| Entrance fees.                                |  | at death   |  |
| Premiums.                                     |  | at maturity  |  |
| Contributions.                                |  | other events (to be specified).                      |  |
| Interest on investments.                      |  | Claims paid—   |  |
| Other receipts (to be specified).             |  | at death   |  |
|   |  | at maturity  |  |
|   |  | other events (to be specified).                      |  |
|   |  | Surrenders.  |  |
|   |  | Expenses of management—                              |  |
|   |  | Salaries to establishment.                           |  |
|   |  | Travelling allowances.                               |  |
|   |  | Commission to agents.                                |  |
|   |  | Directors' fees.                                     |  |
|   |  | Auditor's fees.                                      |  |
|   |  | Rents, rates and taxes.                              |  |
|   |  | Law charges.   |  |
|   |  | Advertisements.                                      |  |
|   |  | Printing and stationery.                             |  |
|   |  | Postage and telegrams.                               |  |
|   |  | Other payments (to be specified).                    |  |
|   |  | Amount of funds at the end of the year.              |  |
| Total .                                       |  | Total .  |  |

Verified with the books, accounts and vouchers and found correct.

Directors.

Secretary or Manager.

Auditor.

FORM C.

Form of balance sheet referred to in section 13 of the Provident Insurance Societies Act, 1912.

| Liabilities.   |     | Assets.                                       |     | Outstanding policies under each of the classes of contingency against which insurance is allowed. |
|--|-----|---|-----|---|
|  | Rs. |   | Rs. |   |
| Reserve fund to meet liabilities in respect of outstanding policies. |     | Investments.                                  |     | Class of contingency.   |
| Outstanding liabilities in respect of policies that have matured.    |     | House properties. (Deposits to be specified). |     | (a) Death.  |
| Shareholder's capital, if any, paid up.                              |     | Loans made on mortgages.                      |     | (b) Marriage  |
| Other sums owing by the society.                                     |     | Personal security.                            |     | (c) Birth   |
|  |     | Bonds.  |     | (d) Namakaranam.  |
|  |     | Agents' balances.                             |     | (e) Upanayanam.   |
|  |     | Outstanding premiums and contributions.       |     | (f) Sannat (among Muhammadans).   |
|  |     | Interest accrued, but not payable.            |     | (g) Vidyabyasa.   |
|  |     | Bill receivable.                              |     | (h) Baptism (among Christians).   |
|  |     | Cash in hand on current account.              |     | (i) Pilgrimage.   |
|  |     | Other assets (to be specified)                |     | (j) Attainment of puberty.  |
|  |     |   |     | (k) Simantam.   |
|  |     |   |     | (l) Confinement.  |
|  |     |   |     | (m) Widowhood.  |
| Total  |     | Total   |     |   |

Verified with the books, accounts and vouchers and found correct.

Auditor.

Directors.

Secretary or Manager.

(Note.—Loans made to a director, the secretary or manager should be separately shown.)

FORM D.

*Record of insurances effected on life other than the life of the person insuring.*

| Number of policy. | Date of admission. | Name of person insuring with father's name, occupation and address. | Name of the person on whose life the insurance is effected, his age, father's name, occupation and address. | Details of relationship between the persons mentioned in columns 3 and 4. | Rate of premium. | Class of insurance. | Date of withdrawal by |             |        |           |
|-------------------|--------------------|---|---|---|------------------|---------------------|-----------------------|-------------|--------|-----------|
|                   |                    |   |   |   |                  |                     | Surrender.            | For future. | Death. | Maturity. |
|                   |                    |   |   |   |                  |                     |                       |             |        |           |

[Gazette of India, 1914, Pt. II, p. 565.]

INDIAN LIFE ASSURANCE COMPANIES ACT, 1912.

*First Assistant<sup>1</sup> to the Resident to be Registrar.*

No. 54, dated the 18th November, 1915.—Under Section 2 (9) of the Indian Life Assurance Companies Act, 1912 (VI of 1912), as applied to the Civil and Military Station of Bangalore, the Resident in Mysore is pleased to appoint the First Assistant to the Resident in Mysore for the time being to be Registrar for the said Station.

[Mysore Residency Orders, 1915, Pt. I, p. 94.]

*Bangalore Life Assurance Companies Rules, 1915.*

No. 633-D., dated the 27th December, 1915.—In exercise of the powers conferred by sections 27 and 39 of the Indian Life Assurance

<sup>1</sup> Now designated Secretary to the Resident.



Companies Act, 1912 (VI of 1912), as applied to the Civil and Military Station of Bangalore, by the notification of the Government of India in the Foreign Department, No. 732-D<sup>1</sup>, dated the 19th March, 1913, the Governor General in Council is pleased to make the following rules:—

1. *Short title.*—These rules may be called the Bangalore Life Assurance Companies Rules, 1915.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context,—

(a) “the Act” means the Indian Life Assurance Companies Act, 1912 (VI of 1912), as applied to the Civil and Military Station of Bangalore;

(b) “Company” means a Life Assurance Company to which the Act applies;

(c) “dividing society business” means life assurance business under which the amount payable on the policy money becoming due is not fixed but depends either partly or wholly on the results of the division of any portion of the premium income or funds amongst the policies which have become due for payment in proportion to the premiums received under each class in any specified period.

3. *Qualifications of Actuaries under the Act.*—(1) Any person who, as an Actuary, investigates the financial condition of a Company or signs valuation returns of a Company shall be either

(1) a Fellow of the Institute of Actuaries, London, or a Fellow of the Faculty of Actuaries in Scotland; or

(2) where application is made by a Company and where, in the opinion of the Governor General in Council, special circumstances exist,—

(a) an Associate of such Institute of Actuaries or of such Faculty of Actuaries, or

(b) such other person having actuarial knowledge as the Governor General in Council may authorise to be employed to perform the duties of an Actuary.

(2) Every application by a Company for permission to employ as an Actuary any person other than a Fellow of the Institute or Faculty of Actuaries shall state the work for the performance of which such person is required, and the Governor General in Council, if he grants the application, shall cause a certificate to be issued to the Company permitting, subject to such conditions and restrictions as he thinks fit, the employment of the person mentioned in the application.

<sup>1</sup> See now Notification No. 261-I., dated the 24th April, 1929. Printed *supra*, p. 39.

4. *Accuracy of particulars.*—An Actuary when investigating the financial condition of a Company shall either satisfy himself as to the accuracy of the particulars extracted from the books or require a certificate of their accuracy from the Manager and one other responsible officer of the Company.

5. *Particulars to be given in report of Actuary.*—An Actuary, after investigating the financial condition of a Company, shall report—

- (a) whether the calculations are correct and made on the principles which are contained in the statement furnished under the Fourth Schedule to the Act;
- (b) whether these principles have his approval;
- (c) whether he has obtained all the information and explanations that he has required;
- (d) what adjustment was used in the valuation to allow for unequal incidence of the premium income, and for premiums payable more often than once a year;
- (e) the method by which both the ages at entry and the ages at valuation were arrived at;
- (f) the rate at each age of the mortality assumed and of the annuity values used in the valuation where the tables employed are not published;
- (g) whether all negative values were eliminated from the valuation; and
- (h) the reserve values held against policies effected at ages 20, 30, 40 and 50 and which have been in force for 1, 2, 3, 4, 5, 10, 15 and 20 years, respectively, in respect of—
  - (i) Whole Life Assurances with premiums payable throughout life;
  - (ii) Whole Life Assurances with premiums payable for 20 years;
  - (iii) Endowment Assurances payable at age 60 or previous death.

6. *Further particulars in case of Company not in a position to distribute surplus.*—In the event of the Actuary finding that the financial condition of the Company is such that, in his opinion, no payment should be made either of bonus to policy holders or of dividend to members, he shall state whether or not he finds the Company to be solvent. If he finds it to be insolvent—

- (a) he shall state whether he considers that the Company could be made solvent as regards existing contracts by the transfer of its subscribed capital (whether paid or unpaid) to make good the deficiency in the life assurance fund.

If so, he shall state what in his opinion is the amount so required, and whether or not any alteration should be made in the rates of premium for future entrants.

- (b) If he considers that the Company cannot be made solvent as regards existing contracts by the transfer of the whole of the subscribed capital to the credit of the life assurance fund, he shall state what proportion of the sum assured the Company would, in his opinion, be able to meet under such contracts, if all the premiums thereunder were reduced proportionately with the sum assured, and all subscribed capital were fully paid up and transferred to such fund.

7. *Paid-up capital not to be treated as assets.*—Companies transacting life assurance and annuity business only may include in the life assurance revenue account the paid-up capital and all the other funds of the Company, such as Investment Reserve Fund, Dividend Reserve Fund, Sinking Fund, etc., stated separately both at the beginning and at the end of a year, so as to show any increase or diminution in such individual funds during the year; but although paid-up capital may be shown along with the funds in this way, it shall not be treated as part of the Company's assets for the purpose of showing a divisible surplus at the time of any actuarial investigation of the financial condition of the Company.

8. *Dividing society business.*—Every Company transacting dividing society business shall show in its accounts both the premium income and the claims of each class of such business separately from the premiums and claims of the other classes of business transacted by the Company.

9. *Separate Revenue Accounts.*—A company may submit a separate Revenue Account similar to the Life Assurance Account in addition to forms A, B and C of the First Schedule, for any class of business which it transacts, such, for instance, as dividing society business.

10. *Policies not qualifying for full benefits.*—If any class of policy is not qualified for full benefits until after the first year or other stated period, the premium income of that class shall be separated accordingly in the accounts. In the case of a Company having more than one qualifying period for any such business the premium income shall be shown separately for each qualifying period.

11. *Audit of accounts of Companies not subject to law of the Civil and Military Station of Bangalore regarding registration of Companies.*—The accounts of every Company not subject to audit in accordance with the provisions of any law for the time being in force in the Civil and Military Station of Bangalore regarding the registration of Companies shall be audited in accordance with that law.

11-A. *Qualifications of Auditors under the Act.*—(I) Save as hereinafter provided in this rule, any person who audits the accounts of a Company shall be either—

- (1) a member of any of the following Institutes and Societies:—
  - (a) The Institute of Chartered Accountants of England and Wales,
  - (b) The Society of Incorporated Accountants and Auditors,
  - (c) The Society of Accountants in Edinburgh,
  - (d) The Institute of Accountants and Actuaries in Glasgow,
  - (e) The Society of Accountants in Aberdeen,
  - (f) The Institute of Chartered Accountants in Ireland; or
- (2) the holder of a certificate granted by the Resident in Mysore under section 144 (1) of the Indian Companies Act, 1913 (VII of 1913), as appltd to the Civil and Military Station of Bangalore, or of an unrestricted certificate granted by any other Local Government in British India in exercise of the same statutory power.

(II) In addition to the persons specified in sub-rule (I) the following persons may audit the accounts of Mutual Life Assurance Companies, namely:—

- (a) a Fellow or an Associate of the Institute of Actuaries, London; or a Fellow or an Associate of the Faculty of Actuaries in Scotland;
- (b) the holder of a certificate granted by a Local Government in British India as aforesaid, entitling the holder to act as such auditor throughout the province within which the principal place of business in British India of the Mutual Life Assurance Company is situate.

12. *Additional particulars in case of Companies to which Act applies.*—Every auditor auditing under the Act the accounts of a Company shall state the following additional particulars in his report:—

- (a) Whether or not he has personally verified the whole of the investments with the securities and other vouchers and is satisfied as to their correctness.
- (b) Any other matters that he considers should be brought to the notice of the members or policy holders of the Company.

13. *Deposit of copies of documents.*—Copies of the documents mentioned in section 14 of the Act shall be deposited at the head office and the principal branch office in each province in which the Company transacts business, for the inspection of any member or policy holder of the Company.

14. *Fees.*—Copies of all documents deposited with the Governor General in Council under the Act shall be kept by the Registrar of the Civil and Military Station of Bangalore and shall be open to inspection

on payment of a fee of one rupee, and any person may procure a copy of any such document or any part thereof on payment of a fee of six annas for every hundred words or fractional part thereof required to be copied.

15. *Translation of documents.*—If any portion of any document required to be deposited under the Act is not in the English language, a translation thereof, certified by a responsible officer of the Company to be correct, shall be furnished along with each copy deposited with the Governor General in Council.

16. *Form of notice under Section 19.*—Notice under section 19 of any alteration in—

- (a) the charter, statute, or memorandum and articles or other instrument constituting or defining the constitution of a Life Assurance Company constituted outside British India, or
- (b) the list of directors of such Company, or
- (c) the names and addresses of persons resident in the Civil and Military Station of Bangalore authorised to accept on behalf of such Company service of process and any other notices required to be served by the Act,

shall, within three months from the date upon which such alteration was effected, be filed with the Registrar, in the form annexed.

#### FORM REFERRED TO IN RULE 16.

(For Companies constituted outside British India.)

Pursuant to section 19 of the Indian Life Assurance Companies Act, 1912, notice is hereby given by the Company constituted in \_\_\_\_\_ and which \_\_\_\_\_  
has established a place of business  
has appointed an agent to obtain life assurance business  
in the Civil and Military Station, Bangalore, of the following alterations in the

Signature.

(Of the person or persons authorised under section 19 (1) (c) of the Indian Life Assurance Companies Act, 1912, or of some other duly authorised agent of the Company in the Civil and Military Station of Bangalore.)

Date

NOTE.—Where an alteration has been made in the charter, statute or memorandum or articles of association of a Life Assurance Company constituted outside British India or in any other instrument constituting or defining the constitution of such Company, this notice must be accompanied by a certified copy of the resolution, order, deed or instrument effecting the alteration, and, if the same is not in the English language, by a certified translation thereof.

[*Gazette of India*, 1915, Pt. I, p. 3.]

WILD BIRDS AND ANIMALS PROTECTION ACT, 1912.

*Close time.*

No. 30, dated the 9th May, 1917.—In exercise of the powers conferred by Section 3 of the Wild Birds and Animals Protection Act, 1912 (VIII of 1912), as applied to the Civil and Military Station of Bangalore, the Resident in Mysore is pleased to declare that the period from the 1st March to 1st September, both days inclusive in the year, shall be a "close time" in the Civil and Military Station of Bangalore for wild birds and animals to which the said Act applies.

2. Notifications No. 4146, dated the 31st August, 1903, and No. 5787, dated the 26th November, 1903, of this Residency are hereby cancelled.

[Mysore Residency Orders, 1917, Pt. I, p. 260.]

OFFICIAL TRUSTEES ACT, 1913.

*Appointment of Official Trustee.*

No. 742—79-I, dated the 8th May, 1923.—In pursuance of sub-section (I) of section 4 of the Official Trustees Act, 1913 (II of 1913), as applied to the Civil and Military Station of Bangalore, the Governor General in Council is pleased to appoint the person holding for the time being the appointment of Official Trustee, Madras, to be the Official Trustee for the said Station.

[Gazette of India, 1923, Pt. I, p. 417.]

INDIAN COMPANIES ACT, 1913.

*Grant of certificates authorising persons to act as auditors of Companies.*

No. 62, dated the 22nd December, 1920.—In exercise of the powers conferred on him by Section 144 (2) of the Indian Companies Act, 1913 (VII of 1913), as applied to the Civil and Military Station of Bangalore, and in supersession of the previous Notifications on the subject, the Hon'ble the Resident in Mysore is pleased to make the following rules providing for the grant of certificates entitling the holders thereof to act as auditors of companies in the said station:—

RULES.

I. The following two classes of persons shall ordinarily be eligible to receive certificates authorising them to audit the accounts of companies:—

Class (1)—Holders of the Government Diploma in Accountancy awarded by the Sydenham College of Commerce and Economics, Bombay.

Class (2)—Present holders of temporary certificates who may be granted fresh temporary certificates.

II. In exceptional cases the Resident in Mysore may grant a certificate to a person, who under the rules is ineligible for auditing the accounts of companies, to audit the accounts of any specified company for any specified financial year. A report of such cases shall be made to the Government of India.

III. An application for a certificate under Rule I or Rule II shall be made to the First Assistant to the Resident in Mysore and shall in the former case be accompanied by the Government Diploma in original. Every application for a certificate under Rule I shall state whether the applicant has applied to any other Government or Administration for a certificate, and, if so, with what result.

An application for the renewal of a certificate may be made to the First Assistant Resident in the form obtainable from that officer, three months before the expiry of the certificate the renewal of which is desired. The certificate of which renewal is sought shall accompany the application.

IV. It shall be open to the Resident in Mysore at any time and for such cause as he may consider to be sufficient to suspend or to cancel any certificate granted by him under these rules.

V. The holder of an unrestricted certificate granted by any Local Government in British India under Section 144 (2) of the Indian Companies Act, 1913 (VII of 1913), entitling him to act as an auditor of companies throughout British India, shall be entitled to act as an auditor of companies in the Civil and Military Station of Bangalore also.

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#### FORM:

##### RESTRICTED CERTIFICATE.

(Issued under Section 144 of the Indian Companies Act, 1913.)

This is to certify that \_\_\_\_\_ is entitled to act as an auditor of companies within the limits of the Civil and Military Station of Bangalore subject to the undermentioned limitations:—

(1) Class of company the accounts of which the holder is permitted to audit.

(2) Language of the accounts which the holder may audit.

(3) Date of expiry of this certificate.

Date of issue.

NOTE.—The holder of this certificate is also eligible to audit the accounts of Provident Insurance Societies within the limits of the Civil and Military Station of Bangalore.

[Mysore Residency Orders, 1921, Pt. I, p. 67.]

*Appointment of the Assistant<sup>1</sup> Resident to be Registrar of Companies.*

No. 1686, dated the 10th June, 1886.—In supersession of the notification of the Resident in Mysore, No. 7, dated 31st May, 1884, the Resident in Mysore is pleased, under the provisions of Section 220A<sup>2</sup> of the Indian Companies Act (VI of 1882)<sup>3</sup>, to appoint the Assistant<sup>1</sup> to the Resident in Mysore for the time being to be Registrar of Companies for the Civil and Military Station of Bangalore with effect from 1st July, 1886.

[*Gazette of India*, 1886, Pt. II, p. 383.]

*Reduced fees.*

No. 497-D, dated the 11th December, 1916.—In pursuance of Section 249 of the Indian Companies Act, 1913 (VII of 1913), as applied to the Civil and Military Station of Bangalore, the Governor General in Council is pleased to direct that in place of the fees specified in items Nos. 5 and 7, respectively, of Parts I and II of Table B in the First Schedule of the said Act, the following reduced fees shall be paid to the Registrar in respect of the matters hereinafter mentioned, namely:—

For filing returns of allotments prescribed by section 104 of the said Act in cases in which the aggregate paid-up value of the shares allotted does not exceed Rs. 100, one per cent. on the paid-up value of the shares allotted; in cases in which the paid-up value exceeds Rs. 100, three rupees.

For filing any other document required or authorised by the said Act or Rules made thereunder, other than the memorandum or the abstract required to be filed with the Registrar by a receiver or the statement required to be filed with the Registrar by the liquidator in a winding up, three rupees.

[*Gazette of India*, 1916, Pt. I, p. 1849.]

No. 409-I., dated the 12th August, 1925.—In pursuance of Section 249 of the Indian Companies Act, 1913 (VII of 1913), as applied to the Civil and Military Station of Bangalore, the Governor General in Council is pleased to direct that the fee to be paid under Part II of Table B in the First Schedule to the said Act for the registration of an association not for profits as a company with limited liability under Section 26 of the said Act, shall, when the number of members is stated in the articles of association to exceed twenty or to be unlimited be fifty rupees.

[*Gazette of India*, 1925, Pt. I, p. 755.]

<sup>1</sup> Now designated Secretary to the Resident.

<sup>2</sup> Read "220 (a)".

<sup>3</sup> See now section 248 (2) of Act VII. of 1913.



INDIAN COPYRIGHT ACT, 1914.

*Rules.*

No. 835, dated the 2nd April, 1886.—Printed *supra*, p. 227.

LOCAL AUTHORITIES LOANS ACT, 1914.

*Rules.*

No. 3285-I.A., dated the 23rd August, 1907.—In exercise of the powers conferred by section 5 of the Local Authorities Loans Act, 1879 (XI of 1879), as applied to the Civil and Military Station of Bangalore under notification<sup>1</sup> No. 3284-I.A., dated the 23rd August, 1907, the Governor General in Council is pleased to make the following Rules for the grant of loans to Local Authorities in the said Station by the Government:

1. In these rules (i) "the Act" means the Local Authorities Loans Act, 1879, as applied to the Civil and Military Station of Bangalore; (ii) "the Local Authority" means the Local Authority applying for or, as the case may be, receiving or having received the loan; (iii) "loan" means a loan under the Act.

2. A loan must be defined in rupees and not by the sterling or any other foreign standard.

3. (1) No loan shall be granted except for the construction or repair of a work of public utility—

(a) within the local limits of the area subject to the control of the local authority, or

(b) for the benefit of the inhabitants within those limits.

(2) The term of a loan shall not, except with the special sanction of the Government of India, extend over a period exceeding twenty years.

(3) In the case of loans for works or in connection with works which are mainly ornamental or convenient such as a town hall, public garden, or market-place, the terms shall not, except with the special sanction of the Government of India, exceed ten years.

(NOTE.—In the case of (2) and (3) above, the terms should be calculated from the date on which the loan is completely made.)

(4) Without the special sanction of the Government of India a loan shall not be made at a lower rate of interest than 4 per cent.

4. An application for a loan shall state—

1st—the work for the construction or repair of which the loan is required and an estimate of the cost of the entire work

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<sup>1</sup> See now the Local Authorities Loans Act, 1914 (IX of 1914), as applied by Notification No. 261-I., dated the 24th April, 1929, *supra*, p. 89.

or of such part of it as it is proposed to meet from loan funds;

2nd—the amount which it is proposed to borrow;

3rd—the fund on the security of which it is proposed to borrow;

4th—the law under which the said fund is levied, received or held;

5th—the period for which the loan is required, the number and amount of the instalments, if any, in which it is proposed that the loan shall be taken, the dates proposed for receiving such instalments and the instalments, if any, in which it is proposed to repay the loan;

6th—the rate of interest at which it is proposed to borrow;

7th—a detailed account of the revenue and expenditure of the Local Authority for the three last preceding years;

(NOTE.—The receipt side of the account should show only ordinary revenue. Receipts from loans or deposits, or the investments of sinking funds should be excluded as well as items of abnormal character, which should be indicated separately. On the expenditure side interest on debt and any payment to a sinking fund should be included, but all expenditure from loan funds and repayment of advances or deposits should be excluded. A full explanation should be given of all important variations in the amounts of revenue and expenditure.)

8th—all existing prior charges upon the funds of the Local Authority.

5. The Resident in Mysore shall cause such enquiry as he thinks necessary or expedient to be made into the statements contained in the application and into the use and value of the proposed work.

6. If it appears to the Resident in Mysore that the loan ought not to be granted, he shall reject the application.

7. If it appears to the Resident in Mysore probable that the loan ought to be granted, he shall cause to be published in the official Gazette, and otherwise, as he deems fit, within the local limits of the area subject to the control of the Local Authority, a copy of the application and such particulars in regard to any enquiry made under Rule 5, as he may think necessary.

8. After the expiry of one month from such publication, and after calling for any further information which he may require, and considering any objections which may be preferred, the Resident in Mysore may either reject the application, or refer it for the orders of the Governor General in Council.

9. The Resident in Mysore shall make such provision as may seem to be necessary for the proper inspection of all works which are being carried out by means of a loan and for ascertaining and securing that

the loan is duly applied to the purposes for which it is made. Every such work, and the accounts connected therewith shall be open at all times to the inspection of any person who may be authorised to inspect the accounts of the Local Authority, and of any other person specially authorised by the Resident in Mysore in this behalf.

10. If the Governor General in Council considers that the conditions on which a loan was granted have not been fulfilled, or that the Local Authority has failed to comply with any of the requirements of these rules, he may, at any time, order that no further payments shall be made on account of such loan, and recover the amount advanced, with interest thereon, in the manner mentioned in Section 6 of the Act.

11. (1) Interest shall be charged half-yearly on each loan at the rate agreed upon, and shall be reckoned and paid on each instalment from the date on which it is received.

(2) A penal rate of compound interest, not less than 6 per cent. per annum, shall be payable, at the discretion of the Government of India, upon all overdue instalments of interest or of principal and interest.

12. The Local Authority may, at any time with the previous consent of the Resident in Mysore, repay the whole or any part of a loan made from the public Treasury in advance of the period fixed by the conditions of the loan.

13. The cost of any enquiry made under Rule 5, of advertisements published under Rule 7, of inspections made under Rule 9, and of any other proceedings by order of the Governor General in Council or the Resident in Mysore under these Rules, shall be determined by the Governor General in Council or the Resident in Mysore, as the case may be, and shall be paid by the Local Authority.

14. (a) The accounts of every loan shall be kept by the [Accountant-General, Madras].<sup>1</sup>

(b) The Local Authority shall give to the [Accountant General]<sup>1</sup> and the Resident in Mysore any information which they may require regarding the expenditure of the loan, and regarding its funds.

15. An annual statement of all loans granted under the Act, repayment due and made during the year, and balances outstanding at the beginning and end of the year shall be prepared and submitted to the Resident in Mysore, with a report of the progress of the works. Such statement shall be published in the official Gazette.

16. An attachment of any funds under Section 6 of the Act shall be made by a notice to the Local Authority prohibiting the collection or management of such funds by the Local Authority, and vesting the administration thereof in such officer as the Governor General in Council

<sup>1</sup> Substituted by Notification No. 4829-I. A., dated the 18th December, 1907. Gazette of India, 1907, Pt. 1, p. 1138.

CIVIL AND MILITARY STATION OF BANGALORE.—(FIII.—*Others* 601  
under Acts locally applied.)

may appoint. Such notice shall be published in the official Gazette and otherwise, as may be directed by the Governor General in Council, within the local limits of the area subject to the control of the Local Authority. The moneys collected or received under such attachment shall be paid into the Government Treasury; and the accounts of moneys so collected and of the cost of the collection, shall be prepared in such form as the Governor General in Council may from time to time direct. A copy of the accounts shall be delivered to the Local Authority, and published in the official Gazette.

[*Gazette of India*, 1907, Pt. I, p. 721.]

CINEMATOGRAPH ACT, 1918.

*Rules.*

No. 68, dated the 31st October, 1922.—In exercise of the power delegated to him by the Governor General in Council under sub-section (3) of section 8 of the Cinematograph Act, 1918 (II of 1918), as applied to the Civil and Military Station of Bangalore, and subsequently amended and in supersession of his Notification No. 77, dated the 22nd December, 1921, the Hon'ble the Resident in Mysore is pleased to issue the following rules for the regulation of cinematograph exhibitions in the Civil and Military Station of Bangalore.

*Section (i)—Rules for permanent cinema installations.*

1. These rules, printed in large type together with the name and address of the licensee affixed thereto shall be kept during public entertainment always posted in some conspicuous place at the principal entrance at a height of not more than four feet from the floor so that all persons entering the licensed premises may be acquainted with them. Any breach of these rules should at once be reported to the licensing authority.

2. The following fire appliances shall be provided:—

In the enclosure—a bucket of dry sand and a portable fire extinguisher.

In the auditorium—six buckets of water and four portable fire extinguishers of a pattern approved by the licensing authority.

These appliances shall be so disposed as to be readily available for use. The buckets shall have round bottoms with handles and shall be capable of holding at least two gallons of water. They shall be painted red with the word 'Fire' on them in large black letters in English and the local vernacular.

NOTE.—By 'enclosure' is meant that portion of the building in which the cinematograph apparatus is placed.

3. Before the commencement of each performance the cinematograph operator shall satisfy himself that the fire appliances in the enclosure are in working order.

One or more persons as may be necessary shall be specially nominated to have charge of the fire appliances in the auditorium during the performance.

4. The cinematograph apparatus shall be placed in an enclosure of substantial construction, made of, or lined internally with, fire-resisting material, and of sufficient dimensions to allow the operator to work freely.

5. The enclosure shall be outside the auditorium.

6. The door of the enclosure, and all openings, bushes and joints shall be so constructed and maintained as to prevent, as far as possible, the escape of any smoke into the auditorium. Ventilation shall be provided for the enclosure, but such ventilation shall not communicate direct with the auditorium.

NOTE.—By 'bush' is meant packing inserted in the holes through which the pipes and cables pass in order to render such holes reasonably smoke-proof.

7. The opening through which the necessary pipes and cables pass into the enclosure shall be efficiently bushed.

8. The openings in the front of the enclosure shall not be larger than is necessary for effective projection and observation.

9. Each opening shall be fitted with a screen of fire-resisting material, which can be released from both inside and outside the enclosure in such a way that it automatically closes with a close fitting joint.

10. No unauthorized persons shall be allowed to enter the enclosure.

11. Smoking shall not be permitted within the enclosure.

12. No inflammable article shall unnecessarily be taken into, or allowed to remain in, the enclosure.

13. Lanterns shall be placed on firm supports constructed of fire-resisting material.

14. A metal shutter, which can be readily inserted between the source of light and the film gate, shall be provided.

15. Cinematograph projectors shall be fitted with two metal film boxes of substantial construction, and not more than 14 inches in diameter, inside measurement, from which the film shall be caused to travel. The film boxes shall be made to close in such a manner, and shall be fitted with a film slot so constructed, as to prevent the passage of flame to the interior of the box.

16. Films shall be wound upon spools in such a manner that the wound film shall not at any time reach or project beyond the edges of the flanges of the spool.

17. All films, when not in use, shall be kept in separate closed metal boxes. The storage of films shall be confined to top floors and never below residential floors.

18. Cables for cinematograph lamps shall be taken as separate circuit from the source of supply and from the supply side of the main fuses in the general lighting circuit.

19. An efficient double-pole switch shall be fitted in the cinematograph lamp circuit within the enclosure.

20. When the cinematograph lamp is working the pressure of the current across the terminals of the double-pole switch shall not exceed 110 volts.

21. Within the enclosure the insulating material of all electric cables, including those leading to illuminating lamps, shall be covered with fire-resisting material.

22. All resistances, with the exception of a resistance for regulating purposes, shall be placed outside the enclosure and, if reasonably practicable, outside the auditorium. If inside the auditorium they shall be adequately protected by a wire guard or other efficient means of preventing accidental contact.

23. (a) The operating enclosure shall be in the charge of a competent operator who shall be not less than 21 years of age, and shall be present in the enclosure during the whole time that the machine is being operated.

(b) The operator shall satisfy himself, before the commencement of each performance, that all cables, leads, connections and resistances are in proper working order.

24. The electric lighting of the premises shall have at least three separate and distinct main circuits as follows:—

(a) for the enclosure,

(b) for approximate half of the auditorium, passage-ways, stairways, exits and parts of the building open to the public, and

(c) for the remaining half of the auditorium, passage-ways, stairways, exits and parts of the building open to the public.

25. The general lighting of the auditorium shall be capable of control from inside the enclosure and also from outside and away from the enclosure.

26. A plan of the wiring shall always be kept in a prominent place in the office of the manager of such building.

27. Whenever required by the licensing authority or a police officer of a rank not lower than that of a sub-inspector a sufficient number of approved oil or candle lights shall be provided for use in case of failure

of the electric lighting in the auditorium, gangways, passages and exits. These lights shall be kept burning during the whole time that the public are on the premises.

28. Whenever any illuminant other than electricity is used for the lantern its use and the apparatus for its production shall be subject to the approval of the licensing authority.

29. Ordinarily no open or naked lights shall be allowed, but if the nature of the performance or exhibition absolutely necessitates the use of naked lights, this fact should be mentioned when application is made for a licence.

30. Every cinematograph installation shall be inspected when first erected and once annually by the Electrical Inspector to be appointed from time to time by the Resident in Mysore ; and the inspecting officer shall certify to the licensing authority that the installation fulfils the requirements of the rules. The Electrical Inspector may enter the premises and inspect the cinematograph and other electric plant at any time.

31. It shall be incumbent upon the licensee to comply with such of the provisions of the Indian Electricity Act, 1910, and of the regulations made thereunder as are applicable to the premises. No licence shall be granted until after the notice required under section 30 of the said Act has been given to the District Magistrate and the licensing authority has informed the Electrical Inspector of the decision to issue the licence.

32. The licensee shall notify to the licensing authority his intention to add to or alter any portion of the building or any part of the electric installation or of the apparatus for the production of any other illuminant in use in the lantern; this notice shall be communicated by the licensing authority to the Electrical Inspector.

33. Every person intending to open a cinematograph exhibition should make an application in writing to the District Magistrate.

Such application should be accompanied by a plan and description in duplicate of the electrical machinery and cinematograph apparatus and the District Magistrate will forward them for approval to the Electrical Inspector who will examine these papers and if necessary make an inspection of the building and plant. If he is satisfied that a licence may issue, he should endorse the application accordingly before forwarding it to the District Magistrate, who will make out a licence in the name of the applicant and sign and date it before issue.

No cinematograph exhibition shall be opened until such a licence has been obtained.

34. When the licence is issued a copy of the plan and description forwarded under rule 33 certified by the licensing authority or under his

orders shall be attached to the licence. The licence, together with the plan and description or either of them, shall be produced on demand to any police officer not below the rank of sub-inspector or to any person authorized by the licensing authority.

35. The inspections of the Electrical Inspector shall ordinarily be made free of charge to the applicant and should any defects be discovered, written orders shall be issued for their rectification and a reasonable time shall be prescribed for carrying out such orders. A fee of Rs. 10 or such higher fee as the Hon'ble the Resident in Mysore may direct shall, however, be charged if subsequent inspection should disclose that such orders have not been properly carried out.

36. The licence shall be in Form 'A' attached to these rules. The licensee, his servants and agents shall obey or comply with all orders issued by the Electrical Inspector, the licensing authority or police officers acting on their behalf from time to time or as occasion arises, for the safety or convenience of the public, or for the preservation of order or of the public peace.

37. No building shall be used for cinematograph exhibitions to which the Act applies, unless it be provided with an adequate number of clearly indicated exits so placed and maintained as readily to afford the audience ample means of safe egress, and with a passage of 3 feet width for every 10 rows of seating accommodation. By 'adequate' is meant 9 linear feet of exit way for 450 square feet of sitting space inside.

The seating in the building shall be so arranged as not to interfere with free access to the exits; and the gangways and the staircases and the passages leading to the exits shall, during the presence of the public in the building, be kept clear of obstructions.

38. The following rules shall be observed in providing seating accommodation:—

- (1) The angle of elevation, subtended at the eye of any person seated in the front row by the length of the vertical line dropped from the centre of top edge of the picture to the horizontal plane, passing through the observer's eye shall not exceed  $35^{\circ}$ , the height of the eye of the person so seated above the floor level being 3' 6".
- (2) The angle between the vertical plane, containing the upper edge of the picture and the vertical plane containing the observer's eye and the remote end of the upper edge of the picture shall not be less than  $25^{\circ}$ .

39. No building shall accommodate more than 20 persons per 100 square feet or more than 20 persons per 3,000 cubic feet.

The entrances, gangways, stage, staircases, etc., should be deducted before calculating the area available. Provided that the licensing



authority may, at any time, and from time to time, vary the number of persons to be admitted to the premises or any part thereof.

40. Whenever required by the licensing authority, sufficient and approved artificial means of ventilation shall be provided.

41. The size of the doorways must not be less than 8 feet  $\times$  5 feet.

42. There must be at least two staircases each not less than 4 feet wide to provide access to any gallery or upper floor.

*Section (ii)—Rules for travelling cinematograph shows.*

1. In this section the word 'building' shall be deemed to include any booth, tent or similar structure and the licensing authority may refuse a licence if in his opinion any portion of such building or structure is dangerously near to any neighbouring building.

2. Rules 1-4, 6-16, 18-23, 25, 27-32, 35-37, 40 and 42 of section (i) shall also apply to travelling cinema shows.

3. All films when not in use shall be kept in separate closed metal boxes. They shall not be stored below residential floors.

4. Every person intending to start a travelling cinematograph exhibition should make an application in writing to the Electrical Inspector. Such application should be accompanied by a plan and description in duplicate of the electrical machinery and cinematograph apparatus. The Electrical Inspector will examine these papers and, if necessary, make an inspection of the plant. If he is satisfied that the installation is in order, he will prepare a certificate in the name of the applicant which will normally be valid for a year but subject to revocation by the Electrical Inspector within that period. Such certificate shall be sufficient authority so far as the plant is concerned for any licensing authority to grant a licence under section 5 of the Act.

5. No cinematograph exhibition shall be opened unless a licence has been obtained from the District Magistrate. The licence will be signed by such officer and may embody such conditions as the licensing officer considers desirable.

6. No building shall accommodate more than 25 persons per 100 square feet of space available for sitting or standing. The entrances, gangways, stages, etc., should be deducted before calculating the area available. Provided that the licensing authority may, at any time, and from time to time, vary the number of persons to be admitted to the premises or any part thereof.

7. The eaves of the buildings must be at least 8 feet high.

8. The size of the doorways must be not less than 7'  $\times$  5'.

9. In any pandal of inflammable materials there shall be on each side an aperture at least 7 feet high and 18 feet wide. [This aperture

may be closed by tattis fixed on a split bamboo frame and fastened by twine on the inside.]

10. Doors or apertures not ordinarily in use may be made of mat screens or similar material which can be easily removed by slight pressure from inside of the building.

11. No cross bar of any description shall be placed inside or outside any door.

12. No doorstep shall be above the level of the floor of the structure.

13. There shall be gangways or passages not less than 4 feet wide all round the interior of the building and such gangways shall be kept clear.

14. Any galleries must be

(a) strongly built,

(b) provided with access by not less than two stairs or approaches at least 4 feet wide and

(c) divided into separate blocks by clear gangways at least 4 feet wide running from front to rear at intervals of not more than 30 feet apart.

15. Ridge ventilation shall be provided for at least half the total length of the building.

16. No external fencing shall be allowed within 10 feet of the building.

17. No structure of inflammable materials shall be licensed for a longer period than three months at a time.

#### FORM A.

(Rule 36.)

*Licence for exhibition under the Cinematograph Act, 1918.*

| Name of manager or person in charge and place of abode. | Owner of the place or building. | Situation of the place or building. | Material of which the roof and enclosures are made or are proposed to be made. | Whether the premises are to be used during the day or during the night or both. | Date of last inspection by the Electrical Inspector. | Special conditions, if any, on which the licence is granted. | Period for which the licence is to continue in force. | Fee paid. |
|---|---------------------------------|-------------------------------------|--|---|--|--|---|-----------|
|   |                                 |                                     |  |   |  |  |   |           |

*Conditions.*

This licence is granted subject to the provisions of the Cinematograph Act, 1913, and the rules made thereunder. It is also subject to the following conditions and rules:—

1. This licence does not exempt the licensee, his servants or agents from taking out any other licence required by or otherwise complying with any other law, rule or by-law made thereunder.

2. No licensee shall exhibit or permit to be exhibited any film other than a film which has been certified as suitable for public exhibition by an authority constituted under section 7 of the Act, and which, when exhibited, displays the prescribed mark of that authority, and has not been altered or tampered with in any way since such mark was affixed thereto.

\* NOTE.—A Board constituted for the purpose at Madras, Bombay, Calcutta or Rangoon by the Local Government concerned.

3. The licensing authority and any subordinate duly authorized by him in that behalf and any police officer specially deputed to keep order during any entertainment in the licensed premises shall at all times have free access to the said premises in order to see whether the conditions of the license are fulfilled.

3A. The licensee shall exhibit a certain number of officially selected films at such intervals as may be thought necessary by the licensing authority.

4. In the case of licences granted under section (ii) of the rules for travelling cinematograph shows—

(a) No lights shall be affixed to the side walls or posts of the building or enclosure hereby licensed or placed within five feet of the wall or roof.

(b) No firework shall be ignited by the licensee or his servants within 100 yards of any part of the outer walls of the licensed premises.

(c) No person shall be admitted within a line.....feet in front of and parallel to the screen. A strong barrier or other efficient partition shall be provided to enforce this.

5. This licence is not transferable except with the permission of the licensing authority.

6. In the case of travelling cinema shows, the address on the first day of each month and of every subsequent change of camp shall be notified to the Electrical Inspector.

7. This licence shall be subject to cancellation or suspension for the breach of any of these conditions or of the rules printed on the reverse.

Dated            the            day of            19 .

Seal of the District Magistrate.

RULES APPLICABLE TO THE BUILDING OR STRUCTURE IN RESPECT OF WHICH  
THE LICENCE IS GRANTED.

*Applicable to permanent buildings and temporary structures.*

1. All doors shall open outwards and shall be distributed round the hall and not merely at one end or side.
2. All exits shall be indicated as such by conspicuous notices in large letters in English and the vernacular of the district.
3. The public shall be allowed to leave by all exits and entrance doors.
4. The main doors shall always be left unfastened and unobstructed while the public are using the licensed premises.
5. No fire shall be lighted in or within 20 feet of any structure composed of inflammable materials.
6. No oil except so much as is required for one night's use shall be stored in or near any structure of inflammable materials.

<sup>1</sup>[For every licence when granted or renewed a fee shall be charged according to the scale laid down below:—

For an annual licence . . . . . Rupees 11-8-0 for an area of 1,000 sq. ft. or less with an additional fee of Rs. 4 for every 500 sq. ft. or fraction thereof in excess of 1,000.

For a temporary licence for a period not exceeding three months for a building thatched or constructed of wood or mats or other inflammable materials or for a tent. Rupees 11-8-0 for a month or for a portion thereof for an area of 1,000 sq. ft. or less with an additional fee of Rs. 6 for a month or for a portion thereof for every 500 sq. ft. or fraction thereof in excess of 1,000.

For a temporary licence for a period not exceeding three months for a building not thatched nor constructed of inflammable materials but only occasionally used as a place of public resort or entertainment. Rupees 2-8-0 for a month or for a portion thereof for an area of 1,000 sq. ft. or less with an additional fee of Rs. 1-8-0 for a month or for a portion thereof for every 500 sq. ft. or fraction thereof in excess of 1,000.]

Annual licences shall be granted only in respect of buildings which are not constructed of inflammable materials.

The fees for temporary licences shall be leviable at half of the above rates, where the buildings or enclosures are used solely by day without lights.

*Explanation.*—For the purpose of these rules, where a structure for which a licence is sought is constructed partly of inflammable and partly of non-inflammable materials, the whole will be considered to be an inflammable structure. Where the place consists partly of a structure and partly of a mere unroofed enclosure the fee shall be calculated on the area of the structure alone.

Duplicates of licences may be granted on payment of Rs. 5.

[*Mysore Residency Orders*, 1922, Pt. I, p. 30.]

<sup>1</sup>Substituted by Notification No. 97, dated the 2nd November, 1925. *Mysore Residency Orders*, 1925, Pt. 1, p. 49.

POISONS ACT, 1919.

*Rules.*

No. 42, dated the 1st June, 1921.—In exercise of the powers conferred by section 2 of the Poisons Act, 1919 (XII of 1919), as applied to the Civil and Military Station of Bangalore, the Hon'ble the Resident in Mysore is pleased to make the following rules to regulate the possession for sale, and the sale of certain poisons in the said Civil and Military Station.

*Rules.*

I. In these rules "the Act" means "The Poisons Act, 1919" as applied to the Civil and Military Station of Bangalore.

II. The following shall be deemed to be poisons for the purposes of these rules:—

Aconite, Nux Vomica, Perchloride of Mercury (corrosive sublimate), Cyanide of Potash, Stramonium Dhatura, White Arsenic, Gauripashanam, Red Sulphide (Realgar) and Yellow Sulphide (Orpiment).

III. No person not exempted under the provisions of the Act shall sell or possess for sale any poison specified in Rule II except under a licence granted in that behalf by the District Superintendent of Police.

IV. Every applicant for the grant or renewal of a licence shall make a written application to the District Superintendent of Police and such application shall bear a Court Fee Stamp of Re. 1.

V. The District Superintendent of Police may, for any sufficient cause, revoke or cancel any licence granted under Rule III.

VI. The grant or withdrawal of a licence to any applicant shall be at the discretion of the District Superintendent of Police whose decision thereon shall be final.

VII. Subject to the provisions of Rules V and VIII, a licence granted under Rule III shall remain in force for one year from 1st January or, if it issued later than the 1st January, from the date of issue to the 31st December following.

VIII. A licence shall terminate on the death of the licence-holder or, if granted to a firm or company, on the winding up or transfer of the business of such firm or company.

IX. Every sale of poison shall as far as possible be conducted by the licence-holder in person or, where the licence-holder is a firm or company, through, or under the supervision of, an accredited representative of such firm or company.

X. A licence-holder shall not sell any poison to any person unless the latter is personally known to him, or identified to his satisfaction.

He shall also ascertain before selling any poison the name and address of the purchaser and the purpose for which the poison is purchased. He shall not sell any poison to any person who appears to him to be under the age of 18, or to any person who does not appear to him to be in full possession of his faculties, or to any wandering mendicant.

XI. (1) Every licence-holder shall maintain a register in which he shall enter all sales of poison other than those used by a chemist, druggist or compounder dispensing or compounding in compliance with the prescription of a medical or veterinary practitioner. The following particulars shall be entered in such register in respect of each sale, namely:—

- (a) Name of poison; (b) quantity sold; (c) date of sale; (d) name and address of purchaser; (e) purpose for which the poison was stated by the purchaser to be required; (f) signature of purchaser (or thumb impression if illiterate) or, in the case of purchase by post, date of letter or written order and reference to the original in the file in which it is preserved; (g) signature of vendor.

(2) In a separate portion of the register shall be entered, in separate columns for each poison, the quantity of each sold daily, and these entries shall be filled up from day to day.

(3) The signature under item (g) of the register shall be that of the licence-holder himself or, when the licence-holder is a firm or company, that of an accredited representative of such firm or company and shall be entered at the time of sale or despatched to the purchaser. Such signature shall be held to imply that the writer has satisfied himself that the requirements of Rule X have been fulfilled.

(4) All letters or written orders referred to in head (f) of the register shall be preserved in original by the licence-holder for a period of not less than two years from the date of the sale.

XII. (1) A licence-holder shall maintain in respect of each poison specified in Rule II a stock-register which shall contain the following particulars:—

- (a) Serial number; (b) date; (c) amount received; (d) name and address of person from whom received; (e) amount sold; (f) balance in stock; (g) remarks.

(2) The stock register shall be balanced daily.

XIII. Dispensing chemists and druggists shall, in respect of the poisons specified in Rule II, maintain a prescription register which shall contain the following particulars:—

- (a) Serial number; (b) date; (c) copy of prescription; (d) name and description of person prescribing; (e) name and quantity

of poison used; (f) name, father's name and residence of the purchaser; (g) if purchaser is not known to vendor, signature or left thumb impression of the person to whom the medicine is delivered and (h) remarks.

XIV. Any Magistrate or Police Officer of or above the rank of Sub-Inspector, any Revenue Officer of or above the rank of Deputy Collector or any Medical Officer of or above the rank of Sub-Assistant Surgeon may at any time visit and inspect the premises of a licence-holder where poison is kept for sale and may inspect all poisons found therein and the registers maintained under Rules XI, XII and XIII.

XV. All poisons kept for sale by any licence-holder under these rules shall be kept in a box, almirah, room or building (according to the quantity maintained) which shall be secured by lock and key and in which no substance shall be placed other than poisons possessed in accordance with a licence granted under the Act; and each poison shall be kept within such box, almirah, room or building in a separate closed receptacle of glass, metal or earthenware. Every such box, almirah, room or building and every such receptacle shall be marked with the word "Poison" in red characters, both in English and such vernaculars as the District Superintendent of Police may prescribe; and, in the case of receptacles containing separate poisons, with the name of such poison similarly inscribed.

XVI. When any poison is sold, it shall be securely packed in a closed receptacle or packet (according to the quantity) and every such receptacle or packet shall be labelled by the vendor with a red label bearing the name of the poison in English and vernaculars prescribed under Rule XV and the number and date of entry in the register of sales specified in Rule XI.

XVII. No person shall sell any powdered white arsenic unless the same is, before the sale thereof, mixed with soot, indigo or Prussian blue in the proportion of half an ounce of soot, indigo or Prussian blue at least to one pound of the white arsenic and so in proportion for any greater or less quantity. Provided that where such arsenic is stated by the purchaser to be required for some purpose for which such admixture would, according to the representation of the purchaser, render it unfit, such arsenic may be sold without such admixture in a quantity of not less than ten pounds at any one time or with the previous permission in writing of the District Superintendent of Police in quantities of less than ten pounds.

PROVINCIAL INSOLVENCY ACT, 1920.

THE BANGALORE INSOLVENCY RULES, 1923.

No. 118, dated the 6th October, 1923.

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*The Bangalore Insolvency Rules, 1923.*

By virtue of the provisions of section 79 of the Provincial Insolvency Act, 1920, as applied to the Civil and Military Station of Bangalore by Foreign Department Notification No. 1336-I. B.,<sup>1</sup> dated 12th May, 1920, the Court of the Resident in Mysore has, with the previous sanction of the Local Government, made the following rules for carrying into effect the provisions of the said Act in supersession of the rules issued in his Judicial Notification No. 192, dated the 10th December 1908.

I. *Title and application.*—These rules may be called “ the Bangalore Insolvency Rules, 1923 ”, and shall apply to all proceedings under the Provincial Insolvency Act, 1920, as applied to the Civil and Military Station of Bangalore in any Court subordinate to the Court of the Resident in Mysore. They shall come into force on the 1st day of November, 1923 and shall apply to all proceedings thereafter instituted and, as far as may be, to all proceedings then pending.

II. *Forms.*—The forms mentioned in these Rules are the forms in the Appendix hereto and shall be used with such variations as circumstances may require.

III. *Definitions.*—(1) In these Rules, unless there is anything repugnant in the subject or context,

“ the Act ” means the Provincial Insolvency Act, 1920, as applied to the Civil and Military Station of Bangalore.

“ the Court ” includes a Receiver when exercising the powers of the Court in accordance with section 80 of the Act;

“ Receiver ” means a Receiver appointed by the Court under section 56 (1) of the Act;

“ Interim Receiver ” means a Receiver appointed by the Court under section 20 of the Act;

“ proved debt ” means the claim of a creditor so far as it has been admitted by the Court.

(2) Save as otherwise provided all words and expressions used in these Rules shall have the same meaning as those assigned to them in the Act.

IV. *Cause-title and number.*—(1) Every petition, application, affidavit or order in any proceeding under the Act or under these Rules shall be headed by a cause-title in Form No. 1.

(2) When an insolvency petition is admitted, the chief ministerial officer of the Court shall assign a distinctive serial number to the petition and all subsequent proceedings on the petition shall bear that number.

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<sup>1</sup> See now Notification No. 261-I., dated the 24th April, 1929. Printed *supra*, p. 39.

V. *Creditor to furnish copies of his petition.*—(1) When an insolvency petition presented by a creditor is admitted, the creditor shall within seven days thereafter furnish a copy of the petition for service on the debtor or, if there are more debtors than one, as many copies as there are debtors, and the chief ministerial officer of the Court shall sign the copy or copies if on examination he finds them to be correct.

(2) The copy shall be served together with the notice of the order fixing the date for hearing the petition on the debtor or upon the person upon whom the Court orders notice to be served.

VI. *Particulars in debtor's petition.*—The particulars to be given under section 13 (1) of the Act shall be in Form No. 2.

VII. *Death of debtor before hearing of petition.*—If a debtor against whom an insolvency petition has been admitted dies before the hearing of the petition, the Court may order that notice of the order fixing the date for hearing the petition shall be served on his legal representative or on such other person as the Court may think fit in the manner provided for the service of summons.

VIII. *Proof of debts.*—(1) Unless otherwise ordered all claims shall be proved by affidavit in Form No. 3 in the manner provided in section 49 of the Act, provided that before admitting any claim the Court may call for further evidence.

(2) The affidavit may be made by the creditor or by some person authorised by him, provided that if the deponent is not the creditor, the affidavit shall state the deponent's authority and means of knowledge.

(3) As soon as may be after proof of any debt is tendered the Court shall be order in writing admit the creditor's claim in whole or in part or reject it, provided that when a claim is rejected in whole or in part the order shall state briefly the reasons for the rejection.

(4) A copy of every order rejecting a claim, or admitting it in part only, shall be sent by the Court by registered post to the person making the claim within seven days from the date of the order.

IX. *Schedule of creditors.*—As soon as the schedule of creditors has been framed a copy thereof shall, if a Receiver or Interim Receiver has been appointed, be supplied to him, and all subsequent entries and alterations made therein shall be communicated to the Receiver or Interim Receiver.

X. *Consideration of compositions and schemes of arrangement.*—(1) If a debtor submits a proposal under section 38 (1) of the Act, the Court shall fix a date for the consideration of the proposal and notice thereof together with a copy of the terms of the proposal shall be sent to every creditor who has proved.

(2) At the meeting for the consideration of the proposal the debtor shall be entitled to address the Court in person or by pleader in support

of the proposal and every creditor who has proved shall be entitled in person or by pleader to question the debtor and to address the Court.

**XI. Appointment of, and security from, Receiver and Interim Receiver.**—(1) Every appointment of a Receiver or Interim Receiver shall be by order in writing signed by the Court. Copies of this order sealed with the seal of the Court shall be served on the debtor and forwarded to the person appointed.

(2) Every Receiver or Interim Receiver other than an Official Receiver shall be required to give such security as the Court thinks fit.

(3) The Court shall not require an Official Receiver to give security.

**XII. Removal or discharge of Receiver or Interim Receiver.**—

(1) The Court may remove or discharge any Receiver or Interim Receiver other than an Official Receiver, and any Receiver or Interim Receiver so removed or discharged shall, unless the Court otherwise orders, deliver up any assets of the debtor in his hands and any books, accounts or other documents relating to the debtor's property which are in his possession or under his control to such person as the Court may direct.

(2) If an order of adjudication is annulled, the Receiver (if any) shall, unless the Court otherwise orders, deliver up any assets of the debtor in his hands and any books, accounts or other documents relating to the debtor's property which are in his possession or under his control to the debtor or to such other person as the Court may direct.

**XIII. Receiver or Interim Receiver an officer of the Court.**—Every Receiver or Interim Receiver shall be deemed for the purpose of the Act and of these Rules to be an officer of the Court.

**XIV. Application by Receiver or Interim Receiver.**—(1) Every application to the Court made by a Receiver or an Interim Receiver shall be in writing.

(2) The Court may order that notice of any application by the Receiver or Interim Receiver and of the date fixed for the hearing of the application shall be sent by registered post to all creditors who have proved.

**XV. Remuneration of Receiver.**—(1) The remuneration of Receivers or Interim Receivers other than Official Receivers shall be in such proportion to the amount of the dividends distributed as the Court may direct, provided that it does not exceed five *per centum* of the amount of the dividends.

(2) If a Receiver other than the Official Receiver has been appointed in an insolvency in which the Court makes an order approving a proposal under section 38 (7) of the Act, the remuneration to be paid to the Receiver shall be fixed by the Court, and the order approving the proposal shall make provision for the payment of the remuneration and shall be subject to the payment thereof.

XVI. *Receiver's report.*—(1) Unless the Court otherwise directs, the Receiver or Interim Receiver shall as soon as may be after his appointment, and in any case before the hearing of the debtor's application for discharge, draw up a report upon the cause of the debtor's insolvency, the conduct of the debtor so far as it may have contributed to his insolvency and also his conduct during the insolvency proceedings in all matters connected with such proceedings, and in particular such report shall state (a) whether the value of the debtor's assets is less than half his unsecured liabilities and, if so, whether that fact is due to circumstances for which the debtor cannot justly be held responsible, (b) whether the debtor has omitted to keep such books of account as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position within the three years immediately preceding his insolvency, (c) whether the debtor has continued to trade after knowing himself to be insolvent, (d) whether the debtor has contracted any debt provable under the Act without having at the time of contracting it any reasonable or probable ground of expectation that he would be able to pay it, (e) whether the debtor has failed to account satisfactorily for any loss of assets or for any deficiency of assets to meet his liabilities, (f) whether the debtor has brought on, or contributed to, his insolvency by rash and hazardous speculations or by unjustifiable extravagance in living or by gambling or by culpable neglect of his business affairs, (g) whether the debtor has within three months preceding the date of the presentation of the petition when unable to pay his debts as they became due given an undue preference to any of his creditors, (h) whether the debtor has on any previous occasion been adjudged an insolvent or made a composition or arrangement with his creditors, and (i) whether the debtor has concealed or removed his property or any part of it or has been guilty of any other fraud or fraudulent breach of trust.

(2) If the debtor submits a proposal under section 38 (1) of the Act, the Receiver shall state in his report whether in his opinion the proposal is reasonable and is likely to benefit the general body of the creditors and shall state the reasons for his opinion.

XVII. *Debtor to furnish accounts.*—Unless the Court otherwise directs, the debtor shall furnish the Receiver or Interim Receiver or, if a Receiver or Interim Receiver has not been appointed, the Court with a trading account, and an account showing all monies and securities paid, disposed of or encumbered, or recovered by or from the debtor or on his account and his income and the source thereof for such period as the Receiver or Interim Receiver or, if a Receiver or Interim Receiver has not been appointed, the Court may direct, provided that the Receiver or Interim Receiver shall not without the previous sanction of the Court direct the debtor to furnish accounts for more than two years before the date of the presentation of the insolvency petition.

XVIII. *Receiver's accounts.*—(1) The Receiver or Interim Receiver shall keep a cash book and such books and other papers as are necessary to give a correct view of his administration of the estate, and shall submit his accounts at such times and in such forms as the Court may direct. Such accounts shall be audited by such person or persons as the Court may direct. The costs of the audit shall be fixed by the Court and shall be paid out of the estate.

(2) The accounts of the Official Receiver shall be audited annually by such officers as the Hon'ble the Resident may direct for that purpose from time to time.

(3) The cost of such audit, calculated at 12 annas per rupees one hundred on the amount realized since the last audit of the estate concerned shall be paid by the Official Receiver from such amount, and, in case a distribution thereof to creditors is ordered in any year before the audit has taken place, shall be reserved for such payment from the amount otherwise available for distribution.

XIX. *Distribution of dividends.*—(1) No dividend shall be distributed by a Receiver without the previous sanction of the Court.

(2) Notice in Form No. 8 or Form No. 9 as may be appropriate, that the distribution of a dividend has been sanctioned, shall be sent by the Receiver or, if there is no Receiver, by the Court to every creditor who has proved a debt, by registered post within one month from the date of the order sanctioning the distribution.

(3) The amount of any dividend due to a creditor may at his request be transmitted to him by postal money order at his risk and expense, and if the amount does not exceed Rs. 5, shall be so transmitted, unless he appears to claim it in person or by duly authorised agent before the Receiver or, if there is no Receiver, before the Court within two months from the date of the order sanctioning the distribution of the dividend.

(4) An order shall not be made under section 65 of the Act without giving a Receiver opportunity to show cause why the order should not be made.

XX. *Application for discharge.*—(1) An application for discharge shall not be heard until after the schedule of creditors has been framed.

(2) Every creditor who has proved shall be entitled in person or by pleader to appear at the hearing and oppose the discharge provided that he has served upon the insolvent and upon the Receiver (if any) not less than 7 days before the date fixed for the hearing a notice stating the grounds of his opposition to the discharge.

(3) A creditor who has not served the prescribed notices shall not unless the Court otherwise directs, be permitted to oppose the discharge

of the debtor; and a creditor who has served the prescribed notices shall not be permitted, unless the Court otherwise direct, to oppose the discharge on any ground not specified in the notice.

(4) At the hearing of the application the Court may hear any evidence which may be tendered by a creditor who has served the prescribed notices, or by the Receiver, and also any evidence which may be tendered on behalf of the debtor and shall examine the debtor, if necessary, for the purpose of explaining any evidence tendered and may hear the Receiver, the debtor, in person or by pleader, and any creditor, in person or by pleader, who has served the prescribed notice.

XXI. *Notices.*—(1) The notices to be given under sections 19 (2), 30, 37 (2), 38 (1) and 41 (1) of the Act shall be published in the Mysore Residency Orders in English and, if the Court so directs, in one English and one Vernacular newspaper, and copies of the notices in English and in the language of the Court shall be affixed to the notice-board of the Court.

(2) The notices to be given under sections 19 (2), 38 (1) and 41 (1) of the Act shall be published and affixed in the manner provided in paragraph (1) of this Rule not less than 14 days before the date fixed for the hearing of the application, the consideration of the proposal, or the hearing of the application for discharge, as the case may be.

(3) Notice of the date fixed for the hearing of an insolvency petition under section 19 (1) of the Act shall be sent by the Court by registered post, if the petition is by the debtor, to all creditors mentioned in the petition, and if the petition is by a creditor, to the debtor, not less than 14 days before the said date.

(4) The notice to be given under section 33 (3) of the Act shall be served only on the debtor and on the creditors who have proved their debts and may, if the Court so directs, be served on any or all such creditors by registered post.

(5) Notice of the date fixed for the consideration of a proposal under section 38 (1) of the Act shall be sent by the Court by registered post to all creditors who have tendered proof of their debts not less than 14 days before the said date.

(6) Notice of the date fixed for the hearing of an application for discharge under section 41 (1) of the Act shall be despatched by the Court by registered post to all persons whose names have been entered in the schedule of creditors not less than 14 days before the said date.

(7) The notice to be given under section 64 of the Act shall be sent by the Receiver by registered post to all persons whose claims to be creditors have been notified but not proved not less than one calendar month before the limit of time fixed for proving claims.

(8) It shall not be necessary to give notice of the date to which the hearing of a petition or of an application for discharge or the consideration of a proposal is adjourned.

(9) The notice of an order of adjudication to be published under section 30 of the Act shall contain a statement that creditors should prove their claims as soon as possible and that a claim may be proved by delivering or sending by registered post to the Court an affidavit in Form No. 3.

XXII. *Costs*.—(1) All proceedings under the Act down to and including the making of an order of adjudication shall be at the cost of the party prosecuting them; but when an order of adjudication has been made, the costs of the petitioning creditor, including the costs of the publication of all notices in the Mysore Residency Orders and any newspapers required by the Rules which, by the Act or Rules, the petitioning creditor is required to pay, shall be taxed and be payable out of the estate.

(2) Before making an order in an insolvency petition presented by a debtor the Court may require the debtor to deposit in Court a sum sufficient to cover the cost of sending the prescribed notices of the hearing of petition and the costs of the publication of all notices in the Mysore Residency Orders and any newspapers required by the Rules, which by the Act or Rules the debtor is required to pay.

(3) The cost of publication in the Mysore Residency Orders and any newspapers of—

(a) an order fixing the date for the hearing of an insolvency petition under section 19 (2) shall, when the petition is by the creditor, be paid by the creditor, and when the petition is by the debtor, be paid out of the sum deposited in Court by the debtor under Rule XXII (2).

(b) notice of a proposal for a composition under section 38 (1) and notice of an application for discharge under section 41 (1) shall be paid by the debtor.

(4) The publication in the Mysore Residency Orders of—

(a) Notice of adjudication under section 30,

(b) Notice to creditors whose claims have been notified but not proved under section 64,

(c) Notice of an order annulling an adjudication under section 37 (2),

shall be free of charge.

(5) No costs incurred by a debtor of, or incidental to, an application to approve a composition or scheme shall be allowed out of the estate if the Court refuses to approve the composition or scheme.

(6) If the assets available are not sufficient in any case for taking proceedings necessary for the administration of the estate, the Receiver or Interim Receiver, or Official Receiver, as the case may be, may call upon the creditors or any of them to advance the necessary funds, or to indemnify him against the cost of such proceedings. Any assets realised by such proceedings shall be applied, in the first place, towards repayment of such advances, with interest thereon at 6 per cent. per annum.

XXIII. *Summary administration.*—If the Court makes an order under section 74 of the Act that the debtor's estate be administered in a summary manner—

(a) the petition and all subsequent proceedings shall be endorsed "Summary Case";

(b) the Receiver or Interim Receiver shall not carry on the business of the debtor under clause (c) of section 59 of the Act, nor institute any suit under clause (d) of the said section, nor accept as the consideration for the sale of any property of the debtor a sum of money payable at a future time under clause (f), nor mortgage nor pledge any part of the property of the debtor under clause (g).

XXIV. *Inspection of proceedings.*—All insolvency proceedings may be inspected at such times and subject to such restriction as the Court may prescribe by the Receiver or Interim Receiver, the debtor, any creditor who has proved or any legal representative on their behalf.

XXV. *Maintenance of Registers by Court.*—The Court shall maintain registers of (1) insolvency petitions received, (2) insolvency petitions disposed of, and (3) proceedings in insolvency subsequent to orders of adjudication in the Forms Nos. 4, 5 and 6 in the Appendix to these Rules. It shall also submit to the Court of the Hon'ble the Resident in Mysore on the 15th day after the close of each quarter and on the 15th February of each year a return (quarterly or annual, as the case may be) of all proceedings in insolvency in Form No. 7.

XXVI. *Maintenance of Registers by Official Receiver.*—The Official Receiver shall maintain (1) a dividend register, and (2) a register of assets, in Forms Nos. 10 and 11 appended to these Rules.

XXVII. *Expenditure on journeys undertaken for purposes of administration.*—Expenditure incurred by the Official Receiver and his staff on journeys undertaken for the purpose of administration will be recoverable by the Official Receiver from the assets of the estate concerned.

XXVIII. *Proceedings by or against a firm.*—(1) When any petition, notice or other document is signed by a firm of creditors or debtors in the firm's name, the partner signing for the firm shall add also his own signature in the following manner, "B and Co., by A. B. a partner in the said firm".



(2) Any petition or notice of which personal service is necessary shall be deemed to be duly served on all members of the firm, if it is served at the place of business of the firm in India upon any one of the partners or upon any person having at the time of service the control or management of the partnership business there.

(3) When a firm of debtors files an insolvency petition, the same shall contain the names in full of the individual partners, and unless it is signed by all of them, it shall be accompanied by the affidavit of the partner signing it that all the partners concur in the filing of the same.

(4) When a creditor files an insolvency petition against a firm, the same shall state the names of the individual partners so far as the same are known to the petitioner, and the debtors shall together with their schedule of affairs file an affidavit setting out the names in full of the individual partners.

(5) An order of adjudication shall be made against the partners individually.

(6) The debtors shall submit a schedule of their partnership affairs and each debtor shall submit a schedule of his separate affairs.

## APPENDIX.

### FORM No. 1.

IN THE DISTRICT COURT OF A.

*Insolvency Petition No.        of 19    .*

In the matter of A. B.

### FORM No. 2.

PARTICULARS OF THE DEBTOR'S LIABILITIES AND ASSETS.

#### A.—Liabilities.

| Serial number. | Creditor's name and residence. | Nature of creditor's claim. | Amount of claim. |    |    | Remarks. |
|----------------|--------------------------------|-----------------------------|------------------|----|----|----------|
|                |                                |                             | Rs.              | A. | P. |          |
|                |                                | Total                       |                  |    |    |          |

CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Orders 623  
under Acts locally applied.)

*B.—Assets.*

(1) Land and houses.

| Serial number. | Description. | Extent. | Where situated. | Nature of debtor's interest. | Value of debtor's interest. |    |    | Remarks. |
|----------------|--------------|---------|-----------------|------------------------------|-----------------------------|----|----|----------|
|                |              |         |                 |                              | Rs.                         | A. | P. |          |
|                |              |         |                 |                              |                             |    |    |          |
|                |              |         |                 | Total                        |                             |    |    |          |

(2) Debts due and other pecuniary claims, excluding those represented by securities and shares in joint-stock companies.

| Serial No. | Name and address of debtor or person against whom the claim is alleged. | Nature of debt or claim. | Value. |    |    | Remarks. |
|------------|---|--------------------------|--------|----|----|----------|
|            |   |                          | Rs.    | A. | P. |          |
|            |   |                          |        |    |    |          |
|            |   | Total                    |        |    |    |          |

(3) Securities and shares in joint-stock companies.

| Serial No. | Description. | Face Value. |    | In whose possession. | If subject to a claim by another party, the name and address of the party and the nature of the claim. | Market value or, if subject to the claim of another party, market value of debtor's interest. |    | Remarks. |
|------------|--------------|-------------|----|----------------------|--|---|----|----------|
|            |              | Rs.         | P. |                      |  | Rs.   | P. |          |
|            |              |             |    |                      |  |   |    |          |
|            |              |             |    |                      | Total  |   |    |          |

624 CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Orders  
under Acts locally applied.)

(4) Money.

| Serial No. | In whose possession. | Amount. |    |    | Remarks. |
|------------|----------------------|---------|----|----|----------|
|            |                      | Rs.     | A. | P. |          |
|            |                      |         |    |    |          |
|            |                      |         |    |    |          |
|            |                      |         |    |    |          |
|            | Total                |         |    |    |          |

(5) Other moveable property.

| *Serial No. | *Description. | In whose possession. | Value. |    |    | Remarks. |
|-------------|---------------|----------------------|--------|----|----|----------|
|             |               |                      | Rs.    | A. | P. |          |
|             |               |                      |        |    |    |          |
|             |               |                      |        |    |    |          |
|             |               |                      |        |    |    |          |
|             |               | Total                |        |    |    |          |

(It is not necessary to enumerate or describe each item of property. It is sufficient to give each kind of property separately, *e.g.*, jewellery, furniture, books, etc.

*Abstract.*

|  | Rs. | A. | P. | Rs. | A. | P. |
|--|-----|----|----|-----|----|----|
| A. Liabilities . . . . .                       |     |    |    |     |    |    |
| B. Assets—                                     |     |    |    |     |    |    |
| (1) Land and houses . . . . .                  |     |    |    |     |    |    |
| (2) Debts and other pecuniary claims . . . . . |     |    |    |     |    |    |
| (3) Securities and shares . . . . .            |     |    |    |     |    |    |
| (4) Money . . . . .                            |     |    |    |     |    |    |
| (5) Other moveable property . . . . .          |     |    |    |     |    |    |
| Total  |     |    |    |     |    |    |
| Deficiency Rs.                                 |     |    |    |     |    |    |

**CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Orders 625  
under Acts locally applied.)**

I, *A.B.*, hereby declare that I am willing to place at the disposal of the Court all my assets as shown above save in so far as they include such particulars (not being books of account) as are exempted by law from liability to attachment and sale in execution of a decree, namely:—

| Serial No | Description of items for which exemption is claimed. |       | Value. |    |    | Remarks. |
|-----------|--|-------|--------|----|----|----------|
|           |  |       | Rs.    | A. | P. |          |
|           |  |       |        |    |    |          |
|           |  | Total |        |    |    |          |

**FORM No. 3.**

*(Cause title.)*

I  
We  
of  
make oath and say (or solemnly and sincerely affirm) that the said  
to in the sum of rupees  $\frac{p}{100}$  justly and truly indebted  
annas and pies as shown by the account  
in schedule A hereto annexed, for which sum or any part thereof  $\frac{r}{100}$  say  
that  $\frac{hms}{1000}$  not nor has any person to  $\frac{my}{200}$  knowledge or belief  
by  $\frac{my}{our}$  order had or received any manner of satisfaction and security  
whenever, except as shown in schedule B hereto annexed.\*

Sworn (or solemnly affirmed)  
at  
the day of  
before me

(Signed) C. D.  
Designation.

(Signed) H. N.

\* If the creditor relinquishes his security for the general benefit of the creditors a statement to that effect should be added.

SCHEDULE A.

| Date. | Consideration.  | Amount. |    |    |     |    |    | *Remarks. |
|-------|---|---------|----|----|-----|----|----|-----------|
|       |   | Rs.     | A. | P. | Rs. | A. | P. |           |
|       | Total amount due from the debtor.                     |         |    |    |     |    |    |           |
|       | Contra account.                                       |         |    |    |     |    |    |           |
|       | Total of contra account                               |         |    |    |     |    |    |           |
|       | Net amount due from the debtor . . . . .              |         |    |    |     |    |    |           |
|       | Deduct debts secured as shown in schedule B . . . . . |         |    |    |     |    |    |           |
|       | Total of unsecured claim against the debtor . . . . . |         |    |    |     |    |    |           |

\* The vouchers (if any), by which the account can be substantiated, should be specified here.

SCHEDULE B.

| Serial No. | Description of the security. | Nature of creditor's charge on the security. | Value of creditor's charge on the security. |    |    | Remarks. |
|------------|------------------------------|--|---|----|----|----------|
|            |                              |  | Rs.   | A. | P. |          |
|            |                              |  |   |    |    |          |
|            |                              |  |   |    |    |          |
|            |                              |  |   |    |    |          |
|            |                              |  |   |    |    |          |
|            |                              |  |   |    |    |          |
|            |                              |  |   |    |    |          |
|            |                              | Total  |   |    |    |          |

FORM No. 4.\*

REGISTER OF INSOLVENCY PETITIONS RECEIVED.

Court—  
Year—

*Instructions.*

1. In column 4, state if the petitioner is the debtor or the creditor. In the case of a judgment-debtor, if he is under arrest or imprisonment or if there is an order of attachment against his property subsisting, the fact should be mentioned.
2. If there is a substitution of petitioners under section 16 of the Provincial Insolvency Act, the name of the new petitioner should also be mentioned.
3. Petitions taken up as summary cases should be so entered in column 1.

| 1<br>Number of insolvency petition. | 2<br>Date of receipt on the file by issuing or transfer | 3<br>Number of connected suit or petition, if any. | 4<br>Name and description of petitioner and name of his pleader. | 5<br>Name and description of opposite party and name of his pleader. | 6<br>Name and description of all other parties interested in the proceedings and names of their pleaders. | 7<br>Particulars of circumstances under which the petition is presented. | 8<br>Total extent of the debtor's assets and liabilities. | 9<br>Date fixed for hearing. | 10<br>Date of disposal and order. | 11<br>Number of appeal with result and date. | 12<br>Number of revision case with result and date. |
|-------------------------------------|---|--|--|--|---|--|---|------------------------------|-----------------------------------|--|---|
|-------------------------------------|---|--|--|--|---|--|---|------------------------------|-----------------------------------|--|---|

\* Vide Rule No. 25.

FORM No. 5.  
REGISTER OF INSOLVENCY PETITIONS DISPOSED OF.

Court—  
Year—

Instructions.

The date to be entered in column 4 will always be the latest date. In the case of petitions restored to file, the date of original institution should be entered, and the date of restoration noted in the column of remarks.

| 1              | 2  | 3   | 4  | 5  | 6                 | 7   | 8   | 9   | 10   | 11  | 12   | 13  | 14  | 15                           | 16                              | 17   | 18       |
|----------------|--|---|--|--|-------------------|---|---|---|--|---|--|---|---|------------------------------|---------------------------------|--|----------|
| Serial number. | Number of the insolvency petition disposed of. | Number of connected suit or petition, if any. | Date of receipt on the file by institution, transfer or otherwise. | Date of appointment of Interim Receiver, if any. | Date of disposal. | Transferred, withdrawn or not prosecuted. | Scheme of composition approved under section 39 without previous order of adjudication. | Receiver being appointed at the time of adjudication. | No Receiver being appointed at the time of adjudication. | Receiver being appointed at the time of adjudication. | No Receiver being appointed at the time of adjudication. | Penal proceedings under section 69 not being taken. | Sentence of imprisonment being passed under section 69. | With compensation to debtor. | Without compensation to debtor. | Actual number of days occupied in the disposal of the application. | Remarks. |

N.B.—Cases in columns 9 and 12 in which a Special Receiver is appointed when an Official Receiver is available, should be indicated in foot-note.  
\* Vide Rule No. 25.





FORM No. 7.<sup>a</sup>

[To be submitted to the Court of the Hon'ble the Resident in Mysore on the 15th day after the close of each quarter and on the 15th February of each year.]

A

Statement showing Proceedings in Insolvency in the

during the quarter year.

| 1 Pending from last quarter year. | 2 Under arrest or imprisonment. | 3 Against whose properties attachment is an attachment. | 4 Other debtors. | 5 Debtors holders. | 6 Received by transfer or remanded or otherwise. | Application under section 7 of the Provincial Insolvency Act, 1920. |                | 7 Total for disposal. | 8 In creditors' petitions. | 9 In debtors' petitions. | 10 Transferred, withdrawn or not prosecuted. | Disposition of       |             | 11 Number of cases in which applications were made on the 13th to 15th of the quarter year. | 12 Number of insolvent estates in the hands of receivers in which proceedings were finally closed during the quarter year. | 13 Amount of insolvent's claims admitted during the quarter year. | 14 Gross amount of insolvent's realized and disbursed during the quarter year. | 15 Remarks. |               |
|-----------------------------------|---------------------------------|---|------------------|--------------------|--|---|----------------|-----------------------|----------------------------|--------------------------|--|----------------------|-------------|---|--|---|--|-------------|---------------|
|                                   |                                 |   |                  |                    |  | 16 Registered during the quarter year.                              | 17 By debtors. |                       |                            |                          |  | 18 Judgment debtors. | 19 Granted. |   |  |   |  |             | 20 Dismissed. |
|                                   |                                 |   |                  |                    |  |   |                |                       |                            |                          |  |                      |             |   |  |   |  |             |               |

\* Vide Rule No. 35.

Column 13.—Show in the column of remarks the number of the cases in this column transferred to other courts. Applications struck off for defaults or otherwise not prosecuted should be included in this column. Show in the remarks column the number of cases dealt with in a summary manner under section 74.

B. Statement showing proceedings in Insolvency in the  
during the quarter in which special orders were passed.  
year  
(To be printed on the reverse of Form 7-A.)

| Under section 69 of the Provincial Insolvency Act.   |  |                                     |  |   |            |  |          |   |   | Under section 72 of the Provincial Insolvency Act.             |                        |    |  |  |
|--|--|-------------------------------------|--|---|------------|--|----------|---|---|--|------------------------|----|--|--|
| Sentences of imprisonment not real.  |  | No sentence of imprisonment passed. |  | Number of days for which imprisonment was awarded (column 3 and 4). |            |  |          | Cases inquired into and sent to Magistrate for trial. |   | Number of days for which imprisonment was awarded (column 14). |                        |    |  |  |
| By the Court.  | By the Magistrate to whom sent under section 70. | By the Court.                       | By the Magistrate to whom sent under section 70. | Average.  | Aggregate. | By the Magistrate to whom sent under section 70. | Average. | Aggregate.  | In which sentence of imprisonment was passed. | In which no sentence of imprisonment was passed.               | Total number of cases. |    |  |  |
| 1  | 2  | 3                                   | 4  | 5   | 6          | 7  | 8        | 9   | 10  | 11   | 12                     | 13 |  |  |
| 14   | 15   | 16                                  | 17   | 18  | 19         | 20   | 21       | 22  | 23  | 24   | 25                     | 26 |  |  |
| <p>1. Total number of applications under section 7 of the Provincial Insolvency Act, 1920, for disposal.</p> <p>2. Number of creditors' petitions dismissed, with compensation to debtor under section 24.</p> |  |                                     |  |   |            |  |          |   |   |  |                        |    |  |  |

FORM No. 8.

(To be used when the amount to be paid to the creditor as dividend exceeds Rs. 5.)

(Cause title.)

To

Creditor.

Take notice that the distribution of a dividend of in the rupee in this matter was sanctioned by the Court on and that the amount due to you, *i.e.*, Rs. will be paid to you in person or to an agent duly authorized by you at or, if you wish it, will be transmitted to you at your risk and expense by postal money order.

FORM No. 9.

(To be used when the amount to be paid to the creditor as dividend does not exceed Rs. 5.)

(Cause title.)

To

Creditor.

Take notice that the distribution of a dividend of in the rupee in this matter was sanctioned by the Court on and that the amount due to you, *i.e.*, Rs. will be paid to you or to an agent duly authorized by you at on or before or, if you wish it, will be transmitted to you at your risk and expense by postal money order and that, if you do not appear in person or by duly authorized agent to claim it on or before the said date, it will be so transmitted to you.

FORM No. 10.\*

*Dividend Register.*

Petition No. of 19 .

In the matter of the  
an insolvent debtor. petition of

| Number. | Names of creditors. | Amount of debts. | First dividend at per cent. by order of court of | Second dividend at per cent. by order of court of | Signature of creditor or his agent. | Signature of identifying attesters. | Thumb impression of payees, if necessary. | Remarks. |
|---------|---------------------|------------------|--|---|-------------------------------------|-------------------------------------|---|----------|
|         |                     |                  |  |   |                                     |                                     |   |          |

\* Vide Rule No. 28.

CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Orders 633  
under Acts locally applied.)

FORM No. 11.\*

Register of assets.

| Number of petition and name of court. | Date of vesting order. | Name of insolvent. | Description of property as per schedule. | Estimated value. | Amount realized. | Date of realization. | Remarks. |
|---------------------------------------|------------------------|--------------------|--|------------------|------------------|----------------------|----------|
|                                       |                        |                    |  |                  |                  |                      |          |

\* Vide Rule No. 26.

FORM No. 12.

Form of Order of Adjudication.

(Title.)

Pursuant to a petition dated \_\_\_\_\_ presented by \_\_\_\_\_  
(here enter name, etc.)  
creditor to adjudge \_\_\_\_\_ (here enter name, etc., of the debtor)  
debtor to be adjudged  
an insolvent and on reading \_\_\_\_\_ and hearing \_\_\_\_\_  
it is ordered that the debtor be, and the said debtor is hereby, adjudged  
insolvent, and, under section 27 (1), Act V of 1920, it is directed that he  
do apply for his discharge within (period to be inserted) from this day.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_  
Judge.

FORM No. 13.

FORM OF ORDER VESTING THE PROPERTIES OF AN INSOLVENT PETITIONER IN  
THE RECEIVER.

Order appointing a Receiver.

(Section 56 of the Provincial Insolvency Act.)

(Cause title.)

Whereas A. B. \_\_\_\_\_ was adjudicated an insolvent by order of  
this Court in I. P. No. \_\_\_\_\_ of \_\_\_\_\_ dated the \_\_\_\_\_ day of \_\_\_\_\_  
19 \_\_\_\_ and it appears to the Court that the appointment of a receiver for  
the property of the insolvent is necessary:

*It is ordered* that a receiving order be made against the aforesaid insolvent and a receiving order is hereby made against the aforesaid insolvent and C. D.

(or the Official Receiver) is hereby appointed receiver of the property of the aforesaid insolvent until the further orders of the Court.

*And it is further ordered* that the said receiver (not being the Official Receiver) do give security to the extent of                      and that his remuneration be fixed at

Dated

Judge.



[*Mysore Residency Orders*, 1923, Pt. I, p. 42.]

#### MAINTENANCE ORDERS ENFORCEMENT ACT, 1921.

##### *Application of the Act to England and Northern Ireland.*

No. 526-I., dated the 25th September, 1928.—Whereas the Governor General in Council is satisfied that the Legislature of the United Kingdom of Great Britain and Northern Ireland, being part of His Majesty's Dominions, has made provision for the enforcement within England and Northern Ireland of Maintenance Orders made by Courts in British India;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Maintenance Orders Enforcement Act, 1921, (XVIII of 1921), as applied to the Civil and Military Station of Bangalore, the Governor General in Council is pleased to declare that the said Act shall apply in respect of England and Northern Ireland.

[*Gazette of India*, 1928, Pt. I, p. 818.]

#### INDIAN INCOME TAX ACT, 1922.

##### *Appointment of Commissioner of Income-tax.*

No. 1204-633-Int., dated the 29th May, 1922.—In pursuance of sub-section (3) of section 5 of the Indian Income-tax Act, 1922 (XI of 1922), as applied to the Civil and Military Station of Bangalore, the Governor General in Council is pleased to appoint the person holding for the time being the appointment of Secretary to the Resident in Mysore to be Commissioner of Income-tax for the said Station.

[*Gazette of India*, 1922, Pt. I, p. 641.]

CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Orders 635.  
under Acts locally applied.)

*Application of the Indian Income-tax Rules 1922 and of exemptions,  
reductions and other modifications.*

No. 447-I., dated the 2nd September, 1925.—In exercise of the powers conferred by section 60-A of the Indian Income-tax Act, 1922 (XI of 1922), as applied to the Civil and Military Station of Bangalore, and in supersession of the notification of the Board of Inland Revenue, No. 235-I. T., dated the 27th May, 1922, and of the Government of India in the Foreign and Political Department No. 1051-Int., dated the 10th May, 1922, the Governor General in Council is pleased to apply to the Civil and Military Station of Bangalore the Indian Income-tax Rules, 1922<sup>1</sup>, and all exemptions, reductions and other modifications in force in British India under section 60 of the Indian Income-tax Act, 1922, subject to any amendments to which the said Rules, exemptions reductions and modifications may be subject in British India, and subject also to the modifications specified in the first proviso to the notification of the Government of India in the Foreign and Political Department, No. 318-D.,<sup>2</sup> dated the 16th January, 1917, and to such further modifications, not affecting the substance, as may be necessary or proper to adapt the said Rules, exemptions, reductions and modifications, to the Civil and Military Station of Bangalore.

[*Gazette of India*, 1925, Pt. I, p. 796.]

INDIAN BOILERS ACT, 1923.

*Application of the Indian Boiler Regulations, 1924.*

No. 42-I., dated the 9th January, 1924.—In exercise of the powers conferred by section 31-A of the Indian Boilers Act, 1923 (V of 1923), as applied to the Civil and Military Station of Bangalore, the Governor General in Council is pleased to apply to the said Civil and Military Station the Indian Boiler Regulations, 1924,<sup>3</sup> with the following modification, namely:—

In Regulation 156 of the said Regulations, after the entry relating to Baluchistan, the following entry shall be inserted, namely:—

“ Bangalore (Civil and Military Station) B. E.”

[*Gazette of India*, 1924, Pt. I, p. 27.]

*Bangalore Boiler Rules, 1926.*

No. 38, dated the 25th March, 1926.—In exercise of the power conferred by Section 29 of the Indian Boilers Act, 1923 (V of 1923), as ap-

<sup>1</sup> See Notification No. 3-I. T., dated the 1st April, 1922. *Gazette of India*, 1922, Pt. II, p. 367.

<sup>2</sup> See now Notification No. 261-I., dated the 24th April, 1929. Printed *supra*, p. 39.

<sup>3</sup> See Notification No. A-470, dated the 27th October, 1923. *Gazette of India*, 1923, Pt. I, p. 1403.

plied to the Civil and Military Station of Bangalore, the Hon'ble the Resident in Mysore is pleased to make the following rules:—

RULES.

PART I.—*Preliminary.*

<sup>1</sup>*Short title.*—These rules may be called the Bangalore Boiler Rules, 1926.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context,—

- (a) “ The Act ” means the Indian Boilers Act, 1923,
- (b) “ Section ” means a section of the said Act,
- (c) “ Regulation ” means a regulation framed by the Government of India under Section 28 of the Act.

3. *Fees.*—All fees payable under the Act shall be deposited by the payer in the Imperial Bank of India. All registration and inspection fees shall be credited to the Local Government. Applications under Sections 7 and 8 of the Act, to which the bank receipt for payment is affixed, shall be deemed to be accompanied by the prescribed fee.

4. *Prohibition of undertaking work outside the scope of the Act.*—The Chief Inspector or the Inspector shall not undertake any professional work unconnected with his duties under the Act except with the approval or under the orders of the Local Government.

PART II.—*Duties of the Chief Inspector.*

5. *Returns to Resident.*—<sup>1</sup>[The Chief Inspector shall send to the Secretary to the Resident through the District Magistrate—

- (a) an Annual Report on the Administration of the Act;
- (b) reports on such exceptional cases as do not appear to be covered by the Rules or Regulations;
- (c) such other reports and returns as may be called for.]

6. *Specific for duties.*—The Chief Inspector shall—

- (a) Personally check the registration and measurements of all newly-registered boilers for the initial working pressure on the basis of Part I of the Regulations and enter in the Register to be kept under Rule 8 under his own signature all orders required by Section 7;
- (b) enter under his own signature any subsequent entries required in the Registration book.

<sup>1</sup> Substituted by Notification No. 8, dated the 17th January, 1927. *Mysore Residency Orders, 1927, Pt. I, p. 47.*

- (c) obtain in the case of any transfer under Section 6 (b) the Registration book of the Province from which the boiler has been transferred;
- (d) arrange the programme of the Inspector subordinate to him with due regard to the convenience of owners generally and submit it for the '[information]' of the Hon'ble the Resident;
- (e) examine and counter-sign the Inspector's Memorandum of Inspection book of each boiler after each inspection;
- (f) examine and pass orders on the diaries and returns of the Inspector;
- (g) pass orders in all cases in which the Inspector proposes under Section 8 to increase or reduce the pressure at which any boiler may be used or proposes under the same section any structural alterations, additions, or renewals in or to a boiler or any steam pipe attached thereto, or proposes to withdraw or revoke under Section 11 the certificate of a boiler;
- (h) pass orders in all cases in which it is reported that after due notice the boiler has not been properly prepared for examination;
- (i) enquire into serious accidents to boilers;
- (j) verify all fees received under the Act with the monthly statement of receipts and charges of the department sent by the Pay and Accounts Officer, Bangalore, and reconcile any discrepancies by reference to that Officer.

7. *Instructions to owners.*—It shall be the duty of the Chief Inspector to advise owners as regards the maintenance, working and cleaning of boilers. He should issue a set of instructions which should be hung up in each boiler house.

8. *Registers to be kept.*—The Chief Inspector shall keep in his office—

- (a) a register in Form A of all boilers registered in the Station, or the registry of which has been transferred from another province;

(The register shall be maintained in two parts; in Part I (boilers originally registered in the Station) the registered number of a boiler shall be the one immediately following the last serial number in the Register. Gap numbers due to boilers being broken up or transferred to other provinces shall not be filled up. In Part II (boilers originally registered in

<sup>2</sup> Substituted by Notification No. 8, dated the 17th January, 1927. *Mysore Residency Orders*, 1927, Pt. I, p. 47.



other provinces) entries shall be made as prescribed in rule 21);

(b) the Registration Book and Memorandum of Inspection Book of all boilers borne on his register;

(c) a Register of appeals;

(d) a Register of accidents;

(e) a Register of Registration and Inspection fees received.

9. *Refund of Fees.*—<sup>1</sup>[The Secretary to the Resident shall be the authority for the grant of refunds of fees paid in excess.]

### PART III.—Duties of the Inspector.

10. *Subordinate to Chief Inspector.*—The Inspector shall be directly subordinate to and under the control of the Chief Inspector.

11. *General duties of Inspector.*—The main duties of the Inspector, as laid down in the Act, are the inspection and examination of boilers and steam-pipes. Inspections shall be carried out in accordance with Part II of the Regulations and Parts IV and V of these rules, which must be very closely observed.

12. *Search for unregistered boilers.*—In addition to the inspection and examination of boilers, it is the duty of the Inspector to search for unregistered or uncertificated boilers during his tour of inspection, and to see that certificated boilers are worked in accordance with the terms of their certificates.

13. *Advice to be given to owners.*—At the time of inspection the Inspector should advise the owner and the person in charge of the boiler on the management and upkeep of the boiler with special reference to the amount of cleaning required in view of the quality of water used.

14. *Specific duties.*—The Inspector shall—

(a) prepare a programme of inspection with regard to the convenience of owners generally and submit it at such periods, at least sixty days before the first date fixed in the programme, to the Chief Inspector who will dispose of it in accordance with rule 6 (d); inspections for registration of boilers or compliance with urgent calls for the grant of renewal certificates should wherever feasible be adjusted to fit into the programme.

N. B.—Inspection of boilers in seasonal factories should ordinarily be fixed during the off-season.

(b) maintain a memorandum of Inspection Book and submit it to the Chief Inspector for examination and counter-signature after each inspection;

<sup>1</sup> Substituted by Notification No. 8, dated the 17th January, 1927. *Mysore Residency Orders*, 1927, Pt. I, p. 47.

- (c) keep a diary for weekly submission to the Chief Inspector, showing places visited, boilers registered or inspected with fees paid thereon, variations from the programme and any other important particulars;
- (d) enquire into accidents to boilers or steam-pipes and report to the Chief Inspector;
- (e) report to the Chief Inspector cases of unreported accidents discovered at the time of inspection;
- (f) submit for the orders of the Chief Inspector—
  - (i) the Memorandum of Inspection Books of all boilers proposed for registration under Section 7;
  - (ii) proposals for increasing or decreasing the pressure of a boiler after inspection under Section 8;
  - (iii) proposals for structural alterations, additions or renewals to a boiler under Section 8 or 12;
  - (iv) proposals for refusing to renew a certificate under Section 8 and proposals for withdrawing or revoking a certificate under Section 11;
  - (v) report when boilers have not been properly prepared for inspection under Section 14;
  - (vi) proposals for prosecutions under the Act.

15. *Inspection at special times.*—No examination of a boiler shall be made by the Inspector for the purpose of registering or issuing a certificate for a boiler on a Sunday or between the hours of sunset and sunrise. However, on the written application from the owner of the boiler, the Chief Inspector may permit inspection for the issue of a renewal certificate on a Sunday between sunrise and sunset by issue of specific orders in each case. In such cases a double fee shall be charged, half of which shall be payable to the Inspector.

16. *Attendance during hearing of appeals.*—Under orders of the Chief Inspector, the Inspector shall attend during the hearing of appeals with regard to boilers under his charge before the Chief Inspector or the Appellate Authority.

#### PART IV.—Administrative instructions for registration.

17. *Importance of registration.*—Technical regulations for the registration of boilers and the scale of fees for registration are prescribed in Part II of the Regulations. The details of measurement recorded at the time of registration constitute a permanent record for the boiler and determine the original pressure at which the boiler is allowed to work. It is accordingly essential that the work should be done with the greatest care and precision.

18. *Receipt of applications.*—Applications for registration shall be made under Section 7 (1) to the Chief Inspector, and shall be accompanied, under rule 3, by a receipt for the prescribed fee. No application shall be accepted without the receipt. No boiler shall be registered, if on measurement the fee is found to be deficient, until the deficit has been paid. Any excess payment will be refunded at the time of registration.

19. *Necessity of avoiding delay.*—It is essential that no delay should occur in registration. The measurements under Section 7 (3) should ordinarily be completed and the report submitted to the Chief Inspector within fifteen days of the receipt of the application; in no case should the interval exceed thirty days. The Chief Inspector should issue his orders under Section 7 (4) without delay.

20. *Procedure on transfer of a boiler.*—Whenever a boiler is transferred from any place outside the Station to the Station or from the Station to any place outside it the owner shall, under Section 6 (b), apply to the Chief Inspector of the place to which the boiler is transferred for the registration of the transfer; the boiler cannot be used until registration has been effected. The Chief Inspector shall then obtain from that place the Registration Book and Memorandum of Inspection Book of the boiler. No fee shall be charged for recording transfers.

21. *Entry of transferred Boiler in Register.*—On receipt of the Registration and Memorandum of Inspection Books the Chief Inspector shall enter the boiler under its original number in Part II of his register.

22. *Note of transferred and dismantled boilers.*—Whenever a boiler has been transferred or broken up, the fact shall be noted in the register of the place from which it has been transferred. In the case of a boiler that has been permanently dismantled the Registration Book and the Memorandum of Inspection Book shall be destroyed.

#### PART V.—*Administrative instructions for inspection.*

23. *Reference to previous inspection.*—Detailed instructions for inspection of boilers are contained in Part II of the Regulations. In making inspections it is important that the Inspector shall pay particular attention to entries made in the Memorandum of Inspection Book at the time of the previous inspection.

24. *Procedure during inspection.*—In arranging for inspections particular attention should be paid to the provisions of rule 14 (a). The notice required by Section 8 shall be sent in Form B. If an hydraulic test is necessary in addition to the ordinary inspection, 14 days' notice shall be given to the owner. During the inspection of one of a battery of boilers, the Inspector should take the opportunity of examining the other boilers under steam with special reference to the water gauges, pressure gauge and safety valves.

25. *Issue of certificates and provisional orders.*—In cases in which the Inspector is empowered to issue a certificate under Section 8 without further reference, the certificate should ordinarily be issued within forty-eight hours of the completion of the inspection. Where he proposes to issue a provisional order, the Inspector must satisfy himself that the boiler is fit to be worked at the maximum pressure and for the period entered in the provisional order. The fact of issue of a provisional order shall be reported immediately to the Chief Inspector.

26. *Fees for renewal of certificates.*—The fee required to accompany an application under sub-section (4) of section 8 of the Act for the renewal of a certificate shall be—

|   | Rs. |
|---|-----|
| For boiler rating not exceeding 100 . . . . .                     | 20  |
| For boiler rating exceeding 100 but not exceeding 300 . . . . .   | 30  |
| For boiler rating exceeding 300 but not exceeding 500 . . . . .   | 40  |
| For boiler rating exceeding 500 but not exceeding 700 . . . . .   | 50  |
| For boiler rating exceeding 700 but not exceeding 900 . . . . .   | 60  |
| For boiler rating exceeding 900 but not exceeding 1,100 . . . . . | 70  |
| For boiler rating exceeding 1,100 . . . . .                       | 80  |

Provided that the Chief Inspector may direct that no fee shall be payable in respect of a fresh application made in pursuance of sub-section (2) of section 14 of the Act.

For certificates for a period not exceeding six months the fee shall be one-half of that prescribed for a twelve months' certificate.

For certificates for a period exceeding six months but not exceeding twelve months, the full fee prescribed for twelve months' certificate shall be levied.

#### PART VI.—Accidents.

27. *Investigation of accidents.*—On receipt of a report of an accident to a boiler or steam-pipe under section 18, the Inspector should, with the least possible delay, proceed to the place to investigate the accident.

28. *Procedure during enquiry.*—The Inspector at his enquiry shall make a careful examination of the damaged parts, and shall take such measurements and make such sketches for the purpose of his report as he may deem necessary. He shall enquire into the circumstances attending the accident and note the time of its occurrence, its nature and extent, the injury caused to persons and the damage done to property.

29. *Power to hold enquiry in writing.*—The Inspector is authorised to take the written statements of witnesses and all persons immediately concerned with the accident. In order to comply with the provisions of Section 18 (2) the Inspector should present to the owner or person in charge of the boiler a series of written questions on all points that are material to the enquiry.

30. *Use of boiler after accident.*—The Inspector must decide whether the use of the boiler can be permitted at the same or at a lower pressure without repairs or pending the completion of any repairs or alterations that he may order. In no case should he issue a provisional order or renewal certificate until his orders have been carried out.

31. *Procedure in case of serious accidents.*—The report should be sent without delay to the Chief Inspector; if he considers that the investigation has been sufficient, he will record the facts in his Register of Accidents and enter a brief account of the accident in the Registration Book (Regulation No. 161), a copy being made in the Memorandum of Inspection Book. If, however, the accident is of a serious nature and in all cases in which an explosion has occurred the Chief Inspector should after receipt of the Inspector's report proceed to investigate the accident personally or to move the Local Government to appoint a commission to enquire into the accident. Reports of such enquiries should be recorded as indicated above.

32. *Commissions of Enquiry.*—Commissions appointed under the preceding rule should ordinarily consist of the Chief Inspector and one independent person.

33. *Reference in Annual Report.*—A brief account of all accidents and their causes should be included in the Chief Inspector's Annual Report.

34. *Procedure in the case of unreported accidents.*—If in the course of an inspection or at any other time, the Inspector discovers an accident as defined in the Act but which has not been reported, he shall report the facts at once to the Chief Inspector.

#### PART VII.—*Appeals.*

35. *Appellate authority.*—The constituted appellate authority under Section 20 shall consist of an officer appointed by the Local Government (who shall be called the President) assisted by three assessors chosen from a panel constituted by the Local Government for the purpose of hearing appeals. Assessors shall be competent persons with the necessary practical knowledge and experience of whom one at least shall be a duly qualified mechanical engineer. The President shall be an officer with judicial or magisterial experience and shall be appointed for such period as the Local Government think fit.

36. *Attendance of Assessors.*—The Chief Inspector shall under the orders of the President arrange for the attendance, on the date fixed for the hearing of an appeal before the appellate authority, of at least three members of the panel of assessors constituted under rule 35 to act as assessors.

37. *Opinions of Assessors.*—The opinions of assessors shall be recorded and duly considered, but the decision of the appeal shall rest with the President.

38. *Filing of appeal.*—Every petition of appeal shall be made in writing either in English or in the vernacular of the place.

39. *Presentation of appeal.*—An appeal may be presented either personally or by registered post to the Chief Inspector.

40. *Form of appeal.*—The petition of appeal shall be accompanied by the original order, notice or report appealed against, or by a certified copy thereof, or when no such order, notice or report has been made in writing, by a clear statement of the facts, the grounds of appeal and the sections of the Act relating thereto.

41. *Fixing date for hearing.*—On receipt of an appeal, the Chief Inspector shall, if the appeal is to be heard by himself, at once fix a date for hearing the appeal; and if it is to be heard by the appellate authority, obtain a date for the hearing of the appeal from the President. It is important that there should be no delay in the decision of appeals, as the stoppage of a boiler is likely to put the owner thereof to great inconvenience. The decision should ordinarily be given within fifteen days from the receipt of the petition of appeal.

42. *Procedure before hearing.*—When the date of hearing has been fixed, the Chief Inspector shall at once issue a notice to the appellant specifying the date fixed for hearing and informing him that if he wishes to be heard in support of the appeal or to produce evidence, he must be present either in person or by authorised agent with his evidence on the date fixed. The notice shall be sent to such address as shall be entered in the petition of appeal.

43. *Presence of Inspector.*—In all appeals the Chief Inspector shall decide whether the presence of the Inspector is necessary, and shall issue orders accordingly.

44. *Attendance of witnesses.*—The appellate authority shall, for the purpose of appeal, have the same powers to summon witnesses and make local investigations as are conferred on a civil court by the Code of Civil Procedure.

45. *Ex-parte decisions.*—If on the day fixed or any other day to which the hearing is adjourned, the appellant is not present when the appeal is called on for hearing, the appeal may be decided in his absence.

46. *Costs in appeals.*—In appeals before the appellate authority the President shall assess the costs; he shall recover the same from the appellant in any case in which the appeal is dismissed. The appellant shall in all cases of appeal in which a local inspection is required, deposit in advance the full costs of such inspection.

### Register of Boilers.

[illegible]

FORM B.

No. of 19 .

Date the 19 .

**To**

In reply to your application dated \_\_\_\_\_ you are hereby informed that Boiler Registry No. \_\_\_\_\_ at the abovenamed premises will be thoroughly examined by the Government Inspector on the hydraulically tested \_\_\_\_\_ . To enable the examination to be made, you are required to—

(a) afford to the Inspector all reasonable facilities for such examination and all such information as may reasonably be required by him;

(b) arrange that the boiler is properly prepared for examination in the prescribed manner;

(c) provide in the case of a boiler about to be registered such drawings, specifications and certificates as may be prescribed.

Voucher No. \_\_\_\_\_ in acknowledgment of Bank Receipt No. \_\_\_\_\_  
for Rs. \_\_\_\_\_ accompanies.

Inspector of Boilers.

(See below for preparation required.)

#### PREPARATION FOR EXAMINATION.

(See Part II, Chapter I. of the Regulations.)

##### (A) Preparation for thorough inspection.

At every inspection of a boiler for the grant or renewal of a certificate, the boiler shall be empty and thoroughly clean in all its parts, all doors of manholes, handholes and sight-holes and cleaning plugs and all caps in the headers and mud-drums of water tube boilers, all firebars, bearers, front plates, bridge plates, firebridges, brick arches, oil fuel burners and mechanical stoker fittings shall be removed. All valves and cocks comprising the boiler mountings must be opened up and taken apart and the valves or cocks ground, where necessary, before the Inspector's visit.

Provision should be made for the removal of lagging or brickwork or other concealing part and for the drilling of plates, if required by the Inspector, and for verifying the pressure gauge and safety valve dimensions and weights. All smoke tubes, exterior of water tubes, smoke boxes and external flues must be swept clean.

Provision must be made for the effective disconnection of all steam and hot water communication with any other boiler under steam. This must be effected either by the removal of a length of pipe from the steam, feed and blow-down piping or by the insertion of substantial blank flanges. Where blank flanges are employed, they must be inserted between the flange of the chest and the pipe attached to it. No blank flanges shall be inserted between a safety valve chest and the boiler.

NOTE.—These provisions as to effective disconnection shall extend to every case wherein a person is sent or with the assent of the owner or person in charge goes into a boiler for any purpose.

##### (B) Preparation for Hydraulic Test.

The chests of all mountings subject to steam pressure should be in place and shut tight or blank flanged. The safety valves should either be jammed down or removed, and the chest opening blank-flanged. The attachment for the Inspector's pressure gauge and the nipple, for con-



necting the Inspector's test pump hose should be in order. All doors should be properly jointed and tightened up. The boiler should be completely filled with water, care being taken to allow all air to escape and, if possible, a preliminary test not exceeding the working pressure of the boiler should be taken before the Inspector's visit to test the tightness of the joints.

Preparation now required—(A) (B).

NOTE.—The last certificate for the boiler should be shown to the Inspector.

[Mysore Residency Orders, 1926, Pt. I, p. 95.]

#### WORKMEN'S COMPENSATION ACT, 1923.

##### *Bangalore Workmen's Compensation Rules, 1925.*

No. 241-I., dated the 27th May, 1925.—In exercise of the powers conferred by section 32 of the Workmen's Compensation Act, 1923 (VIII of 1923), as applied to the Civil and Military Station of Bangalore, the Governor-General in Council is pleased to make the following rules:—

#### PRELIMINARY.

1. *Short title.*—These rules may be called the Bangalore Workmen's Compensation Rules, 1925.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context,—

- (a) "the Act" means the Workmen's Compensation Act, 1923, as applied to the Civil and Military Station of Bangalore;
- (b) "Form" means a form appended to these rules;
- (c) "section" means a section of the Act.

#### PART I.

##### *Review of half-monthly payments and commutation thereof.*

3. *When application may be made without medical certificate.*—

Application for review of a half-monthly payment under section 6 may be made without being accompanied by a medical certificate.

- (a) by the employer, on the ground that since the right to compensation was determined the workman's wages have increased;
- (b) by the workman, on the ground that since the right to compensation was determined his wages have diminished;
- (c) by the workman, on the ground that the employer, having commenced to pay compensation, has ceased to pay the same, notwithstanding the fact that there has been no change in the workman's condition such as to warrant such cessation;

- (d) by the workman, on the ground that he has ceased, since the right to compensation was determined, to be a minor, provided that a certificate of the nature referred to in section 18 or any other certificate of a qualified medical practitioner is produced in support of the application;
- (e) either by the employer or by the workman, on the ground that the determination of the rate of compensation for the time being in force was obtained by fraud or undue influence or other improper means.

4. *Procedure on application for review.*—If, on examining an application for review by an employer in which the reduction or discontinuance of half-monthly payments is sought, it appears to the Commissioner that there is reasonable ground for believing that the employer has a right to such reduction or discontinuance, he may at any time issue an order withholding the half-monthly payments in whole or in part pending his decision on the application.

5. *Procedure on application for commutation.*—(1) Where application is made to the Commissioner under section 7 for the redemption of a right to receive half-monthly payments by the payment of a lump sum, the Commissioner shall form an estimate of the probable duration of the disablement, and shall award a sum equivalent to the total of the half-monthly payments which would be payable for the period during which he estimates that the disablement will continue, less one half per cent. of that total for each month comprised in that period:

Provided that fractions of a rupee included in the sum so computed shall be disregarded.

(2) When, in any case to which sub-rule (1) applies, the Commissioner is unable to form an approximate estimate of the probable duration of the disablement, he may from time to time postpone a decision on the application for a period not exceeding two months at any one time.

## PART II.

### *Deposit of Compensation.*

6. *Deposit under section 8 (1).*—(1) An employer depositing compensation with the Commissioner under sub-section (1) of section 8 shall furnish therewith a statement in Form A, and shall be given a receipt in Form B.

(2) If, in the statement referred to in sub-rule (1), the employer indicates that he desires to be made a party to the distribution proceedings, the Commissioner shall, before allotting the sum deposited as compensation, afford to the employer an opportunity of establishing that the person to whom he proposes to allot such sum is not a dependant of the deceased workman, or, as the case may be, that no one of such persons is a dependant.

(3) The statement of disbursements to be furnished on application by the employer under sub-section (4) of section 8 shall be in Form C.

7. *Publication of lists of deposits.*—The Commissioner shall cause to be displayed in a prominent position outside his office an accurate list of the deposits received by him under sub-section (1) of section 8, together with the names and addresses of the depositors and of the workmen in respect of whose death the deposits have been made.

8. *Procedure where no compensation deposited.*—(1) Where a dependant of a deceased workman claims that compensation is payable in respect of the death of the workman, and no compensation has been deposited in accordance with sub-section (1) of section 8 in respect thereof, the dependant may apply to the Commissioner for the issue of an order requiring the employer to deposit compensation in accordance with the said sub-section :

Provided that no such application shall be entertained, unless the applicant certifies therein that he has requested the employer to deposit compensation and that the employer has refused or omitted to do so.

(2) The Commissioner shall dispose of such application in accordance with the provisions of Part V of these rules :

Provided that—

(a) the Commissioner may, at any time before issues are framed, cause notice to be given in such manner as he thinks fit to all or any of the dependants of the deceased workman who have not joined in the application, requiring them, if they desire to join therein, to appear before him on a date specified in this behalf;

(b) any dependant to whom such notice has been given and who fails to appear and to join in the application on the date specified in the notice shall not be permitted thereafter to claim that the employer is liable to deposit compensation, unless he satisfies the Commissioner that he was prevented by any sufficient cause from appearing when the case was called on for hearing.

(3) If, after completing the inquiry into the application, the Commissioner issues an order requiring the employer to deposit compensation in accordance with sub-section (1) of section 8, nothing in sub-rule (2) shall be deemed to prohibit the allotment of any part of the sum deposited as compensation to a dependant of the deceased workman who failed to join in the application.

9. *Deposit under section 8 (2).*—An employer depositing compensation in accordance with sub-section (2) of section 8 shall furnish therewith a statement in Form D, and shall be given a receipt in Form E.

10. *Manner in which compensation may be invested under section 8.*—If the Commissioner decides under sub-section (1) of section 8 that any compensation allotted under that sub-section to a dependant under a legal disability should be invested, he may invest it for the benefit of the dependant in Government securities or Post Office Cash Certificates, or deposit it in a Post Office Savings Bank.

#### PART III.

##### *Inquiry by employer.*

11. *Right of employer to present memorandum when notice given.*—(1) Any employer to whom notice of an accident has been given may at any time, notwithstanding the fact that no claim for compensation has been instituted in respect of such accident, present to the Commissioner a memorandum, supported by an affidavit made by himself or by any person subordinate to him having knowledge of the facts stated in the memorandum, embodying the results of any investigation or inquiry which has been made into the circumstances or cause of the accident.

(2) A memorandum presented under sub-rule (1) shall, subject to the payment of such fee as may be prescribed, be recorded by the Commissioner.

#### PART IV.

##### *Medical Examination.*

12. *Workman not to be required to submit to medical examination save in accordance with rules.*—A workman who is required by sub-section (1) of section 11 to submit himself for medical examination shall be bound to do so in accordance with the rules contained in this Part and not otherwise.

13. *Examination when workman and medical practitioner both on premises.*—When such workman is present on the employer's premises, and the employer offers to have him examined free of charge by a qualified medical practitioner who is so present, the workman shall submit himself for examination forthwith.

14. *Examination in other cases.*—In cases to which rule 13 does not apply, the employer may—

- (a) send the medical practitioner to the place where the workman is residing for the time being, in which case the workman shall submit himself for medical examination on being requested to do so by the medical practitioner, or
- (b) send to the workman an offer in writing to have him examined free of charge by a qualified medical practitioner, in which case the workman shall submit himself for medical examination at the employer's premises or at such other place in

the vicinity as is specified in such offer and at such time as is so specified :

Provided that—

- (i) the time so specified shall not, save with the express consent of the workman, be between the hours of 7 P.M., and 6 A.M., and
- (ii) in cases where the workman's condition renders it impossible or inadvisable that he should leave the place where he is residing for the time being, he shall not be required to submit himself for medical examination save at such place.

15. *Restriction on number of examinations.*—A workman who is in receipt of a half-monthly payment shall not be required to submit himself for medical examination elsewhere than at the place where he is residing for the time being more than twice in the first month following the accident, or more than once in any subsequent month.

16. *Examination after suspension of right to compensation.*—If a workman whose right to compensation has been suspended under sub-section (2) or sub-section (3) of section 11 subsequently offers himself for medical examination, his examination shall take place on the employer's premises or at such other place in the vicinity as may be fixed by the employer, and at a time to be fixed by the employer not being, save with the express consent of the workman, more than 72 hours after the workman has so offered himself.

17. *Examination of women.*—(1) No woman shall without her consent be medically examined by a male practitioner, save in the presence of another woman.

(2) No woman shall be required to be medically examined by a male practitioner if she deposits a sum sufficient to cover the expenses of examination by a female practitioner.

## PART V.

### *Procedure.*

18. *Introductory.*—Save as otherwise provided in these rules, the procedure to be followed by Commissioners in the disposal of cases under the Act or these rules and by the parties in such cases shall be regulated in accordance with the rules contained in this Part.

19. *Applications.*—(1) Any application of the nature referred to in section 22 may be sent to the Commissioner by registered post or may be presented to him or to any of his subordinates authorised by him in this behalf and, if so sent or presented, shall, unless the Commissioner otherwise directs, be made in duplicate in the appropriate Form, if any, and shall be signed by the applicant.

(2) There shall be appended to every such application a certificate, which shall be signed by the applicant to the effect that the statement of facts contained in the application is to the best of his knowledge and belief accurate.

20. *Examination of applicant.*—(1) On receiving such application, the Commissioner may examine the applicant on oath, or may send the application to any officer authorised in this behalf by the Resident in Mysore and direct such officer to make such examination and forward the record thereof to the Commissioner.

(2) The substance of any examination made under sub rule (1) shall be recorded in the manner provided for the recording of evidence in section 25.

21. *Summary dismissal of application.*—The Commissioner may, after considering the application and the result of any examination of the applicant under rule 20, summarily dismiss the application, if, for reasons to be recorded, he is of opinion that there are no sufficient grounds for proceeding thereon.

22. *Preliminary inquiry into application.*—If the application is not dismissed under rule 21, the Commissioner may, for reasons to be recorded, call upon the applicant to produce evidence in support of the application before calling upon any other party, and, if upon considering such evidence the Commissioner is of opinion that there is no case for the relief claimed, he may dismiss the application with a brief statement of his reasons for so doing.

23. *Notice to opposite party.*—If the Commissioner does not dismiss the application under rule 21 or rule 22 he shall send to the party from whom the applicant claims relief (hereinafter referred to as the opposite party) a copy of the application, together with a notice of the date on which he will dispose of the application, and may call upon the parties to produce upon that date any evidence which they may wish to tender.

24. *Appearance and examination of opposite party.*—(1) The opposite party may, and if so required by the Commissioner, shall, at or before the first hearing or within such time as the Commissioner may permit, file a written statement dealing with the claim raised in the application, and any such written statement shall form part of the record.

(2) If the opposite party contests the claim, the Commissioner may, and, if no written statement has been filed, shall proceed to examine him upon the claim, and shall reduce the result of the examination to writing.

25. *Framing of issues.*—(1) After considering any written statement and the result of any examination of the parties, the Commissioner shall ascertain upon what material propositions of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the

issues upon which the right decision of the case appears to him to depend.

(2) In recording the issues, the Commissioner shall distinguish between those issues which in his opinion concern points of fact and those which concern points of law.

26. *Power to postpone trial of issues of fact where issues of law arise.*—When issues both of law and of fact arise in the same case, and the Commissioner is of opinion that the case may be disposed of on the issues of law only, he may try those issues first, and for that purpose may, if he thinks fit, postpone the settlement of the issues of fact until after the issues of law have been determined.

27. *Diary.*—The Commissioner shall maintain under his hand a brief diary of the proceedings on an application.

28. *Reasons for postponement to be recorded.*—If the Commissioner finds it impossible to dispose of an application at one hearing, he shall record the reasons which necessitate a postponement.

29. *Judgment.*—(1) The Commissioner, in passing orders, shall record concisely in a judgment his finding on each of the issues framed and his reasons for such finding.

(2) The Commissioner, at the time of signing and dating his judgment, shall pronounce his decision, and thereafter no addition or alteration shall be made to the judgment other than the correction of a clerical or arithmetical mistake arising from any accidental slip or omission.

30. *Summoning of witnesses.*—If an application is presented by any party to the proceedings for the citation of witnesses, the Commissioner shall, on payment of the prescribed expenses and fees, issue summonses for the appearance of such witnesses, unless he considers that their appearance is not necessary for the just decision of the case.

31. *Exemption from payment of costs.*—If the Commissioner is satisfied that the applicant is unable, by reason of poverty, to pay the prescribed fees, he may remit any or all of such fees. If the case is decided in favour of the applicant, the prescribed fees which, had they not been remitted, would have been due to be paid, may be added to the costs of the case and recovered in such manner as the Commissioner in his order regarding costs may direct.

32. *Right of entry for local inspection.*—A Commissioner before whom any proceeding relating to an injury by accident is pending may at any time enter the place where the workman was injured, or where the workman ordinarily performed his work, for the purpose of making a local inspection or of examining any persons likely to be able to give information relevant to the proceedings:

Provided that the Commissioner shall not enter any premises of any industrial establishment except during the ordinary working hours of

that establishment save with the permission of the employer or of some person directly responsible to him for the management of the establishment.

33. *Procedure in connection with local inspection.*—(1) If the Commissioner proposes to conduct a local inspection with a view to examining on the spot the circumstances in which an accident took place, he shall give the parties or their representatives notice of his intention to conduct such inspection, unless in his opinion the urgency of the case renders the giving of such notice impracticable.

(2) Such notice may be given orally or in writing, and, in the case of an employer, may be given to any person upon whom notice of a claim can be served under sub-section (2) of section 10, or to the representative of any such person.

(3) Any party, or the representative of any party, may accompany the Commissioner at a local inspection.

(4) The Commissioner, after making a local inspection, shall note briefly in a memorandum any facts observed, and shall show the memorandum to any party who desires to see the same, and, on payment of the prescribed fee, shall supply any party with a copy thereof.

(5) The memorandum shall form part of the record.

34. *Power of summary examination.*—(1) The Commissioner during a local inspection or at any other time, save at a formal hearing of a case pending before him, may examine summarily any person likely to be able to give information relative to such case, whether such person has been or is to be called as a witness in the case or not, and whether any or all of the parties are present or not.

(2) No oath shall be administered to a person examined under sub-rule (1).

(3) Statements made by persons examined under sub-rule (1), if reduced to writing, shall not be signed by the person making the statement, nor shall they, except as hereinafter provided, be incorporated in the record or utilised by the Commissioner for the purpose of arriving at a decision in the case.

(4) If a witness who has been examined under sub-rule (1) makes in evidence any material statement contradicting any statement made by him in such examination and reduced to writing, the Commissioner may call his attention to such statement, and shall in that case direct that the parties be furnished with the relevant part of such statement for the purpose of examining or cross-examining the witness.

(5) Any statement or part of a statement which is furnished to the parties under sub-rule (4) shall be incorporated in the record.

(6) Where a case is settled by agreement between the parties, the Commissioner may incorporate in the record any statement made under



sub-rule (1), and may utilise such statement for the purpose of justifying his acceptance of, or refusal to accept, the agreement reached.

35. *Agreement to abide by Commissioner's decision.*—(1) If a party states in writing his willingness to abide by the decision of the Commissioner, the Commissioner shall inquire whether the other party is willing to abide by his decision.

(2) If the other party agrees to abide by the Commissioner's decision, the fact of his agreement shall be recorded in writing and signed by him.

(3) If the other party does not agree to abide by the Commissioner's decision, the first party shall not remain under an obligation so to abide.

36. *Procedure where indemnity claimed under section 12 (2).*—(1) Where the opposite party claims that if compensation is recovered against him he will be entitled under sub-section (2) of section 12 to be indemnified by a person not being a party to the case, he shall, when first called upon to answer the application, present a notice of such claim to the Commissioner accompanied by the prescribed fee, and the Commissioner shall thereupon issue notice to such person in Form J.

(2) If any person served with a notice under sub-rule (1) desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified, he shall appear before the Commissioner on the date fixed for the hearing of the case or on any date to which the case may be adjourned and, if he so appears, shall have all the rights of a party to the proceedings; in default of so appearing he shall be deemed to admit the validity of any award made against the opposite party and to admit his own liability to indemnify the opposite party for any compensation recovered from him:

Provided that, if any person so served appears subsequently and satisfies the Commissioner that he was prevented by any sufficient cause from appearing, the Commissioner shall, after giving notice to the aforesaid opposite party, hear such person, and may set aside or vary any award made against such person under this rule upon such terms as may be just.

(3) In any proceeding in which a notice has been served on any person under sub-rule (1), the Commissioner shall, if he awards compensation, record in his judgment a finding whether the person against whom such claim is made is or is not liable to indemnify the opposite party.

37. *Procedure in connected cases.*—(1) Where two or more cases pending before a Commissioner arise out of the same accident, and any issue involved is common to two or more such cases, such cases may, so far as the evidence bearing on such issue is concerned, be heard simultaneously.

(2) Where action is taken under sub-rule (1), the evidence bearing on the common issue or issues shall be recorded on the record of one case and the Commissioner shall certify under his hand on the records of any such other case the extent to which the evidence so recorded applies to such other case, and the fact that the parties to such other case had the opportunity of being present, and, if they were present, or cross-examining the witnesses.

38. *Certain provisions of Code of Civil Procedure, 1908, to apply.*—Save as otherwise expressly provided in the Act or these rules, the following provisions of the First Schedule to the Code of Civil Procedure, 1908, as applied to the Civil and Military Station of Bangalore, namely, those contained in Order V, rules 9 to 30; Order VII, rules 9 to 18; Order IX; Order XIII; Order XVI; Order XVII; and Order XXIII, rules 1 and 2, shall apply to proceedings before Commissioners, in so far as they may be applicable thereto:

Provided that—

- (a) for the purpose of facilitating the application of the said provisions, the Commissioner may construe them with such alterations not affecting the substance as may be necessary or proper to adapt them to the matter before him;
- (b) the Commissioner may, for sufficient reason, proceed otherwise than in accordance with the said provisions, if he is satisfied that the interests of the parties will not thereby be prejudiced.

39. *Apportionment of compensation among dependants.*—The provisions of this Part, except those contained in rules 23, 24 and 36 shall, as far as may be, apply in the case of any proceedings relating to the apportionment of compensation among dependants of a deceased workman.

#### PART VI.

##### *Transfer.*

40. *Transfer for report.*—(1) A Commissioner transferring any matter to another Commissioner for report in accordance with sub-section (2) of section 21 shall, along with the documents referred to in that sub-section, transmit to such other Commissioner a concise statement, in the form of questions for answer, of the matter on which report is required.

(2) A Commissioner to whom a case is so transferred for report shall not be required to report on any question of law.

41. *Transmission of money.*—Money transmitted by one Commissioner to another in accordance with sub-section (2) of section 21 shall be transmitted either by remittance transfer receipt, or by money order, or by messenger, as the Commissioner transmitting the money may direct.

PART VII.

*Appointment of Representatives.*

42. *When representative must be appointed.*—Where any party to a proceeding is under the age of 15 years or is unable to make an appearance, the Commissioner shall appoint some suitable person, who consents to the appointment, to represent such party for the purposes of the proceeding.

43. *When new representative to be appointed.*—If the Commissioner considers that the interests of any party for whom a representative has been appointed under rule 42 are not being adequately protected by that representative, or if a person appointed to act as representative dies, or becomes incapable of acting, or otherwise ceases to act as such, the Commissioner shall appoint in his place another person who consents to the appointment.

PART VIII.

*Record of Memoranda of Agreement.*

44. *Form of memorandum.*—Memoranda of agreement sent to the Commissioner under sub-section (1) of section 28 shall, unless the Commissioner otherwise directs, be in duplicate, and shall be in as close conformity as the circumstances of the case admit with Form K or Form L or Form M as the case may be.

45. *Procedure where Commissioner does not consider that he should refuse to record memorandum.*—(1) On receiving a memorandum of agreement, the Commissioner shall, unless he considers that there are grounds for refusing to record the memorandum, fix a date for recording the same, and shall issue a notice in writing in Form N to the parties concerned that in default of objections he proposes to record the memorandum on the date so fixed:

Provided that the notice may be communicated orally to any parties who are present at the time when notice in writing would otherwise issue.

(2) On the date so fixed, the Commissioner shall record the memorandum unless, after hearing any of the parties who appear and desire to be heard, he considers that it ought not to be recorded:

Provided that the issue of a notice under sub-rule (1) shall not be deemed to prevent the Commissioner from refusing to record the memorandum on the date so fixed even if no objection be made by any party concerned.

(3) If on such date the Commissioner decides that the memorandum ought not to be recorded, he shall inform the parties present of his decision and of the reasons therefor, and, if any party desiring the memorandum to be recorded is not present, he shall send information to that party in Form O.

46. *Procedure where Commissioner considers he should refuse to record memorandum.*—(1) If, on receiving a memorandum of agreement, the Commissioner considers that there are grounds for refusing to record the same, he shall fix a date for hearing the party or parties desiring the memorandum to be recorded, and shall inform such party or parties and, if he thinks fit, any other party concerned, of the date so fixed and of the grounds on which he considers that the memorandum should not be recorded.

(2) If the parties to be informed are not present, a written notice shall be sent to them in Form P or Form Q, as the case may be, and the date fixed in such notice shall be not less than seven days after the date of the issue of the same.

(3) If, on the date fixed under sub-rule (1), the party or parties desiring the memorandum to be recorded show adequate cause for proceeding to the record of the same, the Commissioner may, if information has already been given to all the parties concerned, record the agreement. If information has not been given to all such parties, he shall proceed in accordance with rule 45.

(4) If, on the date so fixed, the Commissioner refuses to record the memorandum, he shall send notice in Form O to any party who did not receive information under sub-rule (1).

47. *Procedure on refusal to record memorandum.*—(1) If in any case the Commissioner refuses to record a memorandum of agreement, he shall briefly record his reasons for such refusal.

(2) If the Commissioner refuses to record a memorandum of agreement, he shall not pass any order directing the payment of any sum or amount over and above the sum specified in the agreement, unless opportunity has been given to the party liable to pay such sum to show cause why it should not be paid.

(3) Where the agreement is for the redemption of half-monthly payments by the payment of a lump sum, and the Commissioner considers that the memorandum of agreement should not be recorded by reason of the inadequacy of the amount of such sum as fixed in the agreement, he shall record his estimate of the probable duration of the disablement of the workman.

48. *Registration of memorandum accepted for record.*—In recording memorandum of agreement, the Commissioner shall cause the same to be entered in a register in Form R, and shall cause an endorsement to be entered under his signature on a copy of the memorandum to be retained by him in the following terms, namely:—

"This memorandum of agreement bearing Serial No. \_\_\_\_\_ of  
19\_\_\_\_ in the register has been recorded this \_\_\_\_\_ day of \_\_\_\_\_  
(Signature)

Commissioner."

## FORM A.

[Sec rule 6.]

## DEPOSIT OF COMPENSATION FOR FATAL ACCIDENT.

[Section 8 (I) of the Workmen's Compensation Act, 1923.]

Compensation amounting to Rs. \_\_\_\_\_ is hereby presented for deposit in respect of injuries resulting in the death of \_\_\_\_\_ residing at \_\_\_\_\_ which occurred on \_\_\_\_\_ 19 \_\_\_\_ . His monthly wages are estimated at \_\_\_\_\_. He was  $\frac{\text{over}}{\text{under}}$  the age of 15 years at the time of his death.

The said workman had, prior to the date of his death, received the following payments, namely:—

|                     |    |                  |    |
|---------------------|----|------------------|----|
| Rs.                 | on | Rs.              | on |
| Rs.                 | on | Rs.              | on |
| Rs.                 | on | Rs.              | on |
| amounting in all to |    | .                |    |
| <i>Dated</i>        | 19 | <i>Employer.</i> |    |

To be added if desired. I desire to be made a party to the proceedings for distribution of the aforesaid compensation.

Employer.

## FORM B.

[See rule 6.]

## RECEIPT FOR COMPENSATION.

[Deposited under section 8 (1) of the Workmen's Compensation Act, 1923.]

|                   |             |              |
|-------------------|-------------|--------------|
| Book No.          | Receipt No. | Register No. |
| Depositor         |             |              |
| Deceased workman  |             |              |
| Date of deposit   | 19 .        |              |
| Sum deposited Rs. |             |              |

*Commissioner.*

FORM C.

[See rule 6.]

STATEMENT OF DISBURSEMENTS.

[Section 8 (4) of the Workmen's Compensation Act, 1923.]

Serial No.

Depositor

| Date. |   |               | Rs. |
|-------|---|---------------|-----|
|       | Amount deposited . . . . .                      |               |     |
|       | Funeral expenses paid . . . . .                 |               |     |
|       | Compensation paid to the following dependants:— |               |     |
|       | Name.   | Relationship. |     |
|       |   |               |     |
|       |   |               |     |
|       |   |               |     |
|       |   |               |     |
|       |   |               |     |
|       |   |               |     |
|       |   | Total         |     |

Dated

19 .

Commissioner.

FORM D.

[See rule 9.]

DEPOSIT OF COMPENSATION FOR NON-FATAL ACCIDENTS.

[Section 8 (2) of the Workmen's Compensation Act, 1923.]

Compensation amounting to Rs. \_\_\_\_\_ is hereby presented for  
deposit in respect of <sup>permanent</sup>injuries sustained by \_\_\_\_\_ residing  
at \_\_\_\_\_ which occurred on 19 .  
Employer.

Dated

19 .

FORM E.

[See rule 9.]

RECEIPT FOR COMPENSATION.

[Deposited under section 8 (2) of the Workmen's Compensation Act,  
1923.]

| Book No.          | Receipt No. | Register No.  |
|-------------------|-------------|---------------|
| Depositor         |             |               |
| In favour of      |             |               |
| Date of deposit   | 19 .        |               |
| Sum Deposited Rs. |             | Commissioner. |

FORM F.

[See rule 19.]

APPLICATION FOR COMPENSATION BY WORKMAN.

To the Commissioner for Workmen's Compensation,  
residing at \_\_\_\_\_, applicant  
versus

residing at \_\_\_\_\_, opposite party.  
It is hereby submitted that—

(1) the applicant, a workman employed by (a contractor with) the  
opposite party on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ received  
personal injury by accident arising out of and in the course of his  
employment.

The cause of the injury was (*here insert briefly in ordinary language  
the cause of the injury*)

(2) the applicant sustained the following injuries, namely:

(3) the monthly wages of the applicant amount to Rs. \_\_\_\_\_; the  
applicant is <sup>over</sup><sub>under</sub> \_\_\_\_\_ the age of 15 years.

“(4) (a) Notice of the accident was served on the \_\_\_\_\_ day of

(b) Notice was served as soon as practicable.

(c) Notice of the accident was not served (in due time) by reason  
of \_\_\_\_\_

“(b) the applicant is accordingly entitled to receive—

(a) half-monthly payments of Rs. \_\_\_\_\_ from the \_\_\_\_\_ day  
of 19 \_\_\_\_\_ to \_\_\_\_\_

(b) a lump sum payment of Rs. \_\_\_\_\_

---

\* Strike out the clauses which are not applicable.

(ti) the applicant has taken the following steps to secure a settlement by agreement namely

but it has proved impossible to settle the questions in dispute because

You are therefore requested to determine the following questions in dispute namely:—

- (a) whether the applicant is a workman within the meaning of the Act,
- (b) whether the accident arose out of or in the course of the applicant's employment,
- (c) whether the amount of compensation claimed is due, or any part of that amount,
- (d) whether the opposite party is liable to pay such compensation as is due,
- (e) etc. (as required).

Dated the

*Applicant.*

# FORM G.

[See rule 19.]

## APPLICATION FOR ORDER TO DEPOSIT COMPENSATION.

To the Commissioner for Workmen's Compensation,

residing at  
, applicant

*versus*

residing at  
, opposite party.

It is hereby submitted that—

(1) a workman employed by (a contractor with) the opposite party on the day of 19 received personal injury by accident arising out of and in the course of his employment resulting in his death on the day of 19. The cause of the injury was (here insert briefly in ordinary language the cause of the injury).

(2) The applicant(s) <sup>is/are</sup> dependant(s) of the deceased workman, being his

(3) The monthly wages of the deceased amount to Rs.

The deceased was <sup>over</sup><sub>under</sub> the age of 15 years at the time of his death.

\* Strike out the clauses which are not applicable.



\*(4) (a) Notice of the accident was served on the      day of  
      (b) Notice was served as soon as practicable.  
      (c) Notice of the accident was not served (in due time) by reason  
of

(5) The deceased before his death received as compensation the total  
sum of Rs.

(6) The applicant(s) <sup>is</sup><sub>are</sub> accordingly entitled to receive a lump sum  
payment of Rs.

(7) The applicant(s) <sup>has</sup><sub>have</sub> requested the opposite party to deposit com-  
pensation and the latter has <sup>refused</sup><sub>omitted</sub> to do so.

\*You are therefore requested to determine the following questions in  
dispute, namely:—

- (a) whether the deceased was a workman within the meaning of  
the Act,
- (b) whether the accident arose out of and in the course of the  
deceased's employment,
- (c) whether the amount of compensation claimed is due, or any  
part of that amount,
- (d) whether the opposite party is liable to pay such compensation  
as is due,
- (e) whether the applicant(s) <sup>is</sup><sub>are</sub> dependant(s) of the deceased,
- (f) how the compensation, when deposited, should be distributed.
- (g) etc. (as required).

Dated the

Applicant.

FORM H.

[See rule 19.]

APPLICATION FOR COMMUTATION.

(Under section 7 of the Workmen's Compensation Act, 1923.)

To the Commissioner for Workmen's Compensation,

residing at  
, applicant

versus

residing at  
, opposite party.

It is hereby submitted that—

(1) The <sup>applicant</sup><sub>opposite party</sub> has been in receipt of half-monthly payments from  
to in respect of temporary disablement by  
accident arising out of and in the course of his employment.

\* Strike out the clauses which are not applicable.

(2) The applicant is desirous that the right to receive half-monthly payments should be redeemed.

(3) (a) The opposite party is unwilling to agree to the redemption of the right to receive half-monthly payments.

(b) The parties have been unable to agree regarding the sum for which the right to receive half-monthly payments should be redeemed.

You are therefore requested to pass orders—

(a) directing that the right to receive half-monthly payments should be redeemed,

(b) fixing a sum for the redemption of the right to receive half-monthly payments.

*Applicant.*

*Dated*

---

FORM J.

[See rule 36.]

NOTICE.

Whereas a claim for compensation has been made by applicant, against \_\_\_\_\_, and the said \_\_\_\_\_ has claimed that you are liable under section 12 (2) of the Workmen's Compensation Act, 1923, to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, you are hereby informed that you may appear before me on \_\_\_\_\_

and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party. In default of your appearance you will be deemed to admit the validity of any award made against the opposite party and your liability to indemnify the opposite party for any compensation recovered from him.

*Commissioner.*

*Dated*

19 . \_\_\_\_\_

FORM K.

[See rule 44.]

MEMORANDUM OF AGREEMENT.

It is hereby submitted that on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, personal injury was caused to \_\_\_\_\_, residing at \_\_\_\_\_, by \_\_\_\_\_.

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under Acts locally applied.)

accident arising out of and in the course of employment in  
. The said injury has resulted in temporary  
disablement to the said workman whereby it is estimated that he will be  
prevented from earning more than any of his previous wages for a period  
of            months. The said workman has been in receipt of half-  
monthly payments which have continued from the            day of  
19            until the            day of            19           , amounting to Rs.  
in all. The said workman's monthly wages are estimated at Rs.           .  
The workman is over the age of 15 years  
will reach the age of 15 years on           .

It is further submitted that            the employer of the said work-  
man has agreed to pay, and the said workman has agreed to accept the  
sum of Rs.            in full settlement of all and every claim  
under the Workmen's Compensation Act, 1923, in respect of all disable-  
ment of a temporary nature arising out of the said accident, whether now  
or hereafter to become manifest. It is therefore requested that this  
memorandum be duly recorded.

*Dated*

Signature of employer

Witness

Signature of workman

Witness

(NOTE.—An application to register an agreement can be presented under the  
signature of one party, provided that the other party has agreed to the terms.  
But both signatures should be appended, whenever possible.)

*Receipt* (to be filled in when the money has actually been paid).

In accordance with the above agreement, I have this day received the  
sum of Rs.           



Workman.

*Dated*

19           

The money has been paid and this receipt signed in my presence.

Witness.

NOTE.—This form may be varied to suit special cases, *e.g.*, injury by occupational  
disease, agreement when workman is under legal disability, etc.

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under Acts locally applied.)

FORM L.

[See rule 44.]

MEMORANDUM OF AGREEMENT.

It is hereby submitted that on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_,  
personal injury was caused to \_\_\_\_\_, residing at \_\_\_\_\_, by  
accident arising out of and in the course of his employment in \_\_\_\_\_.

The said injury has resulted in permanent disablement to the said workman of the following nature, namely:

The said workman's monthly wages are estimated at Rs. \_\_\_\_\_.

The workman is over the age of 15 years will reach the age of 15 years on \_\_\_\_\_. The

The said workman has, prior to the date of this agreement, received the following payments, namely:—

|     |          |     |          |
|-----|----------|-----|----------|
| Rs. | on _____ | Rs. | on _____ |
| Rs. | on _____ | Rs. | on _____ |
| Rs. | on _____ | Rs. | on _____ |

It is further submitted that \_\_\_\_\_, the employer of the said workman, has agreed to pay, and the said workman has agreed to accept the sum of Rs. \_\_\_\_\_ in full settlement of all and every claim under the Workmen's Compensation Act, 1923, in respect of the disablement stated above and all disablement now manifest. It is therefore requested that this memorandum be duly recorded.

Dated \_\_\_\_\_

Signature of employer

Witness

Signature of workman

Witness

(NOTE.—An application to register an agreement can be presented under the signature of one party, provided that the other party has agreed to the terms. But both signatures should be appended, whenever possible.)

Receipt (to be filled in when the money has actually been paid).

In accordance with the above agreement, I have this day received the sum of Rs. \_\_\_\_\_



Workman.

Dated \_\_\_\_\_ 19\_\_\_\_.

The money has been paid and this receipt signed in my presence.

Witness.

(NOTE.—This form may be varied to suit special cases, e.g., injury by occupational disease, agreement when workman is under legal disability, etc.)

FORM M.

[See rule 44.]

MEMORANDUM OF AGREEMENT.

It is hereby submitted that on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_,  
personal injury was caused to \_\_\_\_\_, residing at \_\_\_\_\_ by \_\_\_\_\_  
accident arising out of and in the course of employment in \_\_\_\_\_.  
The said injury has resulted in temporary disablement to the said work-  
man, who is at present in receipt of wages amounting to Rs. \_\_\_\_\_ per month.  
no wages.  
The said workman's monthly wages prior to the accident are estimated  
at Rs. \_\_\_\_\_. The workman is subject to a legal disability by  
reason of \_\_\_\_\_.

It is further submitted that \_\_\_\_\_ the employer of the  
workman has agreed to pay and \_\_\_\_\_ on behalf of  
the said workman has agreed to accept half-monthly payments at the  
rate of Rs. \_\_\_\_\_ for the period of the said temporary disablement.  
This agreement is subject to the condition that the amount of the half-  
monthly payments may be varied in accordance with the provisions of  
the said Act on account of an alteration in the earnings of the said work-  
man during disablement. It is further stipulated that all rights of com-  
mutation under section 7 of the said Act are unaffected by this agreement.  
It is therefore requested that this memorandum be duly recorded.

Dated \_\_\_\_\_

Signature of employer

Witness

Signature of workman

Witness

(NOTE.—An application to register an agreement can be presented under the  
signature of one party, provided that the other party has agreed to the terms.  
But both signatures should be appended, whenever possible.)

---

*Receipt* (to be filled in when the money has actually been paid).

In accordance with the above agreement, I have this day received  
the sum of Rs. \_\_\_\_\_



Workman.

Dated \_\_\_\_\_

19 \_\_\_\_\_

The money has been paid and this receipt signed in my presence.

Witness.

---

NOTE.—This form may be varied to suit special cases, e.g., injury by occupational  
disease, etc.

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under Acts locally applied.)

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FORM N.

[See rule 45.]

Whereas an agreement to pay compensation is said to have been reached between \_\_\_\_\_ and \_\_\_\_\_ and whereas \_\_\_\_\_ <sup>has</sup> ~~have~~ applied for registration of the agreement under section 28 of the Workmen's Compensation Act, 1923, notice is hereby given that the said agreement will be taken into consideration on \_\_\_\_\_ 19 \_\_\_\_\_, and that any objections to the registration of the said agreement should be made on that date. In the absence of valid objections, it is my intention to proceed to the registration of the agreement.

Commissioner.

Dated \_\_\_\_\_ 19 \_\_\_\_\_.

---

FORM O.

[See rules 45 and 46.]

Take notice that registration of the agreement to pay compensation said to have been reached between you \_\_\_\_\_ and \_\_\_\_\_ on the \_\_\_\_\_ 19 \_\_\_\_\_, has been refused for the following reasons, namely:—

Commissioner.

Dated \_\_\_\_\_ 19 \_\_\_\_\_.

---

FORM P.

[See rule 46.]

Whereas an agreement to pay compensation is said to have been reached between \_\_\_\_\_ and \_\_\_\_\_ and whereas \_\_\_\_\_ <sup>has</sup> ~~have~~ applied for registration of the agreement under section 28 of the Workmen's Compensation Act, 1923, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely:—

an opportunity will be afforded to you of showing cause on \_\_\_\_\_ 19 \_\_\_\_\_ why the said agreement should be registered. If no adequate cause is shown on that date, registration of the agreement will be refused.

Commissioner.

Dated \_\_\_\_\_ 19 \_\_\_\_\_.

FORM Q.

[Sec rule 46.]

Whereas an agreement to pay compensation is said to have been reached between \_\_\_\_\_ and \_\_\_\_\_ and whereas \_\_\_\_\_ <sup>has</sup><sub>have</sub> applied for registration of the agreement under section 28 of the Workmen's Compensation Act, 1923, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely:—

an opportunity will be afforded to the said \_\_\_\_\_ of showing cause on \_\_\_\_\_ 19 why the said agreement should be registered. Any representation which you have to make with regard to the said agreement should be made on that date. If adequate cause is then shown, the agreement may be registered.

Dated \_\_\_\_\_

19 .

Commissioner.

FORM R.

[See rule 48.]

Register of agreements for the year 19 .

| Serial number. | Date of agreement. | Date of registration. | Employer. | Workman. | Initials of Commissioner. | Reference to orders rectifying the register. |
|----------------|--------------------|-----------------------|-----------|----------|---------------------------|--|
|                |                    |                       |           |          |                           |  |
|                |                    |                       |           |          |                           |  |
|                |                    |                       |           |          |                           |  |
|                |                    |                       |           |          |                           |  |
|                |                    |                       |           |          |                           |  |
|                |                    |                       |           |          |                           |  |
|                |                    |                       |           |          |                           |  |
|                |                    |                       |           |          |                           |  |
|                |                    |                       |           |          |                           |  |
|                |                    |                       |           |          |                           |  |

*Rules for costs, fees, etc.*

No. 107, dated the 5th December, 1925.—In exercise of the powers conferred on him by section 33 of the Workmen's Compensation Act, VIII of 1923, as applied to the Civil and Military Station of Bangalore, the Hon'ble the Resident in Mysore is pleased to make the following rules:—

**RULES.**

*Costs.*

1. Where the Commissioner directs that any costs shall not follow the event, he shall state his reasons in writing.

2. The costs which may be awarded shall include—

(a) the charges necessarily incurred on account of court fees;

(b) the charges necessarily incurred on subsistence money to witnesses; and

(c) pleader's fees on the scale prescribed in the following rule.

3. (a) In any proceeding involving an application for compensation in the form of a lump sum or for commutation or for indemnification, the pleader's fee allowable shall ordinarily be Rs. 10.

The Commissioner may, in any such proceeding for sufficient cause, reduce the fee to a sum not less than Rs. 5 or increase it to a sum not exceeding Rs. 30.

(b) In all other applications the pleader's fee shall ordinarily be Rs. 5.

The Commissioner may, in any special case, increase the fee to a sum not exceeding Rs. 20.

4. When a party engages more pleaders than one to conduct or defend a case, he shall be allowed one set of costs only.

5. If several respondents having substantially one defence to make, succeed thereon, not more than one fee shall be allowed; and the court shall apportion it among the several respondents in such manner as it may think fit.

6. If several respondents have separate and distinct defences to make, they may, if successful, be allowed separate costs, whether they are represented by separate pleaders or not.

*Fees.*

7. The fees payable in respect of proceedings under the Act shall be as prescribed hereunder:—

1. Application for compensation—

(a) where compensation is claimed in the form of recurring payment under class D of sub-section (i) of section 4. Eight annas



670 CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Orders  
under Acts locally applied.)

|   |   |
|---|---|
| (b) where compensation is claimed in the form of a lump sum under classes A, B or C of sub-section (i) of section 4.                | (i) where the sum claimed does not exceed Rs. 500, one rupee, and<br>(ii) where the sum claimed exceeds Rs. 500, one rupee for each sum of Rs. 500 or fraction thereof. |
| II. Application for commutation under section 7—  |   |
| (a) where it is by agreement between the parties.   | Eight annas.  |
| (b) in any other case . . . . .   | One rupee.  |
| III.—Application for the deposit of compensation—   |   |
| when presented under section 8 (1) . . .  | Nil.  |
| when presented under section 8 (2) (in respect of each person to whom compensation is payable).                                     | Eight annas.  |
| IV. Application for apportionment of compensation under section 8 (1).  | One rupee for each dependant.   |
| V. Application for review—  |   |
| (a) where the review claimed is the continuance, increase, decrease or ending of half monthly payments under section 6 (2).         | Eight annas.  |
| (b) where the half monthly payments are sought to be converted into a lump sum under section 6 (2).                                 | One rupee.  |
| (c) In all other cases . . . . .  | One rupee.  |
| VI. Application for the registration of agreements—   |   |
| (a) where either the application or the memorandum of agreement accompanying it is signed by both the parties under section 28 (1). | Nil.  |
| (b) in any other case . . . . .   | Eight annas.  |
| VII. Application to summon witnesses—   |   |
| (a) when the application is to summon a single witness.   | Eight annas.  |
| (b) when the application is to summon more than one witness.  | Eight annas for the first witness and four annas for every subsequent witness.  |
| VIII. Application for indemnification under section 13.   | Three rupees.   |
| IX. Application for the recovery of compensation—   |   |
| (a) Under an order already passed by the Commissioner.  | Eight annas.  |
| (b) In all other cases . . . . .  | The same fee as is payable on a similar application for compensation.   |
| X. All applications not otherwise provided for .  |   |
|   | Eight annas.  |

8. In the case of any application falling under head X the Commissioner may, if he thinks fit, permit the application to be made without fee.

9. Where the Commissioner grants relief of a different kind from or to a greater extent than that claimed by the applicant and if the fee which would have been payable on an application for the relief which the Commissioner grants is greater than the fee which has actually been paid, the Commissioner shall require the applicant to deposit the difference. The order shall not be executed until the difference is paid.

10. All fees payable under these rules shall be collected in the manner prescribed by the Court Fees Act.

11. The following registers shall be maintained by the Commissioner:—

- (1) A register in Form I of applications for the settlement of any matter filed before the Commissioner;
- (2) A register in Form II of subpoena applications filed before the Commissioner;
- (3) A register in Form III of process delivered for service on parties;
- (4) A register in Form IV of court fees on all applications filed before the Commissioner;
- (5) A register in Form V of deposits received from and repayments made to parties;
- (6) A register in Form VI of miscellaneous applications filed before the Commissioner; and
- (7) A register in Form VII showing the receipt and disposal of applications for copies of records.

12. (1) All applications presented to the Commissioner shall be headed with a cause title as in Form VIII.

(2) All proceedings subsequent to an original application or petition may be headed with a short cause title as in Form IX.

13. The full name, residence and description of each party and if such is the case, the fact that any party proceeds or is proceeded against, in a representative character shall be set out at the beginning of the application or petition as in Form X and need not be repeated in the subsequent proceedings in the same application or petition.

14. Every application shall at the foot thereof contain a list to be signed by the applicant or his representative of the documents filed therewith in Form XI or a statement signed as aforesaid that no document is filed therewith.

15. All applications, written statements and other proceedings and documents may be presented to or filed in court by delivering the same personally to the Chief Ministerial Officer of the Court at any time during office hours or by sending them by registered post to that officer. The said officer shall at once endorse on the documents the date of presentation or receipt by registered post, and if proceedings are thereby instituted shall insert the serial number.

16. Without prejudice to anything contained in the Act or in the rules framed thereunder by the Government of India or in these rules, a party shall be at liberty to inspect and obtain a copy of any document recited or referred to in an application or written statement and filed in court therewith.

17. Every party and his representative desiring to inspect or to obtain copy of any proceedings filed in court by him or any other party or a Commissioner or Officer of Court or any other record relating to the application or matter to which he or his client is a party shall present a memorandum in Form XII specifying the proceedings or record of which inspection or copy is required.

18. An application for inspection or copies of records or documents of, or in the custody of, a court other than records or documents filed in an application or proceeding or matter to which the applicant is a party shall be made in Form XII and shall be supported by an affidavit stating whether the applicant has any and if so what interest in the subject matter of the document or of the proceeding in which the record or document is filed, the purpose for which inspection or copy is required and if the same is required for the purpose of an intended or pending proceeding the nature of the said proceeding and the relevancy of the record or document to the case of the applicant.

The court may in its discretion grant or refuse leave to inspect or to obtain a copy of the record or document applied for after causing notice of the application to be given to the parties to the said proceedings if it thinks necessary.

19. When a person is entitled to inspect a proceeding or document the search therefor shall be made by the officer of the court and such person shall be allowed to read the proceedings or document which he is entitled to inspect or to have it read to him and to make a short memorandum of the date and nature thereof so as to enable him to describe it sufficiently in case a copy is required but except where otherwise expressly provided by these rules he shall not be entitled to take a copy of the proceeding or document or any part thereof or to make extracts therefrom.

20. All copies furnished by the court shall be certified to be true copies and shall be sealed with the seal of the court. The Chief Minis-

terial Officer of the court shall initial every alteration and interlineation in the copy and shall sign a certificate at the foot thereof that the same is a true copy and shall also state the number of alterations and interlineations made therein.

21. Every copy shall bear an endorsement showing the following dates:—

- (1) application made;
- (2) stamp papers or charges called for;
- (3) stamp papers or charges deposited;
- (4) copy ready; and
- (5) copy delivered or posted.

22. (1) One stamp paper of the value of three annas shall be brought in for every 175 words or fraction of 175 words.

(2) Four figures shall be taken as equivalent to one word and vernacular words with short suffixes and inflections shall be counted as one word.

(3) Cost of copying maps, plans, genealogical trees, tabular statements or other work requiring skilled labour shall be fixed by the Commissioner and deposited in court in cash:

Provided that the Commissioner may, in the case of poverty of the applicant, grant copies free of cost notwithstanding the provisions contained in sub-rules (1) and (3).

23. (1) On receipt of an application for copies of records or documents, notice shall be given by post to the applicant of the number of stamp papers required and the amount to be deposited in cash.

(2) If the required stamp papers or cash are not received within a fortnight from the date of notice, the application shall be struck off.

(3) The procedure above described shall also apply to calls for additional stamp papers or cash when the first supply has been found to be insufficient.

(4) The applicant may in his application for a certified copy apply that the same may be delivered to him in person or through the post at a specified address and the copies shall be delivered accordingly and if the applicant so requires by registered post. If any such copy is not claimed by the applicant within 12 months from the date on which it was ready, the copy shall be destroyed.

(5) If a document of which a copy or inspection is sought is not found on record, the applicant shall be entitled to a certificate to that effect.

(6) If any party or representative wishes to inspect an original record or document with a view to ascertain its probable age or to discover erasures or interpolations therein, shall do so in open court at the hearing of the application.

# FORM I.

*Register of applications for the settlement of any matter under the Workmen's Compensation Act, 1923, in the year*

- |   |                          |
|---|--------------------------|
| (1) Date of presentation or receipt of application. |                          |
| (2) Number of application                           |                          |
| (3) Name  | } of applicant.          |
| (4) Description                                     |                          |
| (5) Address   |                          |
| (6) Name  | } of the opposite party. |
| (7) Description                                     |                          |
| (8) Address   |                          |
| (9) Particulars                                     | } of claim               |
| (10) Amount of value                                |                          |
| (11) When the cause of action accrued               |                          |

## Appearance—

- |  |                              |
|--|------------------------------|
| (12) Applicant   | } Day for parties to appear. |
| (13) Opposite party  |                              |
| (14) Date  | } Judgment.                  |
| (15) For whom  |                              |
| (16) For what or amount  |                              |
| (17) Date of decision of   | } Appeal.                    |
| (18) Judgment in   |                              |
| (19) Date of application   | } Execution.                 |
| (20) Date of order   |                              |
| (21) Against whom  |                              |
| (22) For what  |                              |
| (23) Amount, if any  |                              |
| (24) Amount of cost  | } Return of execution.       |
| (25) Amount paid into Court  |                              |
| (26) Minute of other return than payment and date of every return. |                              |

NOTE.—Where there are numerous applicants or numerous opposite parties the name of the first applicant or the first opposite party only, as the case may be, need be entered in the register.

FORM II.

*Register of Subpœna applications filed in the Court of the Commissioner  
for Workmen's Compensation.*

| Serial number and date of receipt. | Settlement application number. | Applicant's name. | Applicant's position in the settlement application. | Process fees. | Checking Officer's initials. | Date of hearing. | Date of issue. |
|------------------------------------|--------------------------------|-------------------|---|---------------|------------------------------|------------------|----------------|
| 1                                  | 2                              | 3                 | 4   | 5             | 6                            | 7                | 8              |
|                                    |                                |                   |   | R.            | A.                           |                  |                |

| Name of witnesses. | Batta deposited. |    | To whom delivered for service and date of payment. | Mode of service. | Unexpended batta. |         | Date of payment to Treasurer and his initials. | Remarks. |
|--------------------|------------------|----|--|------------------|-------------------|---------|--|----------|
|                    |                  |    |  |                  | Date of return.   | Amount. |  |          |
| 9                  | 10               |    | 11   | 12               | 13                | 14      | 15   | 16       |
|                    | Ra.              | A. |  |                  |                   | Ra.     | A.   |          |

FORM III.

*Register of Processes delivered for service.*

[illegible]

## - FORM IV.

*Register of Court Fees on applications filed in the Court of the Commissioner for Workmen's Compensation.*

[illegible]

## FORM V.

*Register of deposits received from and repayments made to parties.*

- |            |  |
|------------|--|
| Receipts   | 1. Date.<br>2. Numbe. of each deposit.<br>3. Reference to application.<br>4. From whom received and position of depositor.<br>5. Nature of each deposit.<br>6. Amount of each deposit.<br>7. Initials of the Chief Ministerial Officer.<br>8. Date.<br>9. To whom and position of recipient. |
| Repayments | 10. Reference to and date of Commissioner's Order ordering repayment.<br>11. Amount and whether paid in cash or by cheque.<br>12. Initials of the Chief Ministerial Officer.   |

## FORM VI.

*Statement showing the number of Miscellaneous Applications filed in the Court of Commissioner for Workmen's Compensation.*

| Serial number. | Application number. | Date of file. | Nature of application. | Date of hearing. | Date of disposal. | Orders. |
|----------------|---------------------|---------------|------------------------|------------------|-------------------|---------|
|                |                     |               |                        |                  |                   |         |



FORM VII.

*Register showing the receipt and disposal of applications for copies in the  
Court of Commissioner for Workmen's Compensation.*

| Month and date. |   | General number. | Number of application. | Name of applicant. | Description of paper. | Charges.         |                 |                   | Given to copyist. |           | Given to examiner. |           | Copy ready.       |       |           | Date of delivery of copy and return of unused stamps. | Signature of applicant. |
|-----------------|---|-----------------|------------------------|--------------------|-----------------------|------------------|-----------------|-------------------|-------------------|-----------|--------------------|-----------|-------------------|-------|-----------|---|-------------------------|
| 1               | 2 | 3               | 4                      | 5                  | 6                     | When called for. | When deposited. | Number of stamps. | Date.             | Initials. | Date.              | Initials. | Number of stamps. |       |           |   |                         |
|                 |   |                 |                        |                    |                       |                  |                 |                   |                   |           |                    |           | Date.             | Used. | Not used. |   |                         |
| 1               | 2 | 3               | 4                      | 5                  | 6                     | 7                | 8               | 9                 | 10                | 11        | 12                 | 13        | 14                | 15    | 16        | 17  |                         |
|                 |   |                 |                        |                    |                       |                  |                 |                   |                   |           |                    |           |                   |       |           |   |                         |

FORM VIII.

CAUSE TITLE.

*In the Court of the Commissioner for Workmen's Compensation.*

Application No.            of 19 .

*Between*

1. T. Ramaswami Chetti and 2. T. Sivaswami Chetti, *Applicants*  
*and*

1. M. Munuswami Pillai and 2. M. Ramaswami Pillai, *Opposite*  
*parties.*

FORM IX.

SHORT CAUSE TITLE.

*In the Court of the Commissioner for Workmen's Compensation.*

Application No.            of 19 .

*Between*

1. T. Ramaswami Chetti and five others, *Applicants*  
*and*

1. M. Muniswami Pillai and four others, *Opposite parties.*

FORM X.

CAUSE TITLE.

*Application.*

The abovenamed applicants state as follows:—

(1) Tanjore Ramaswami Chetti, the first applicant, is a workman and resides at

(2)

The address of the applicants for service of all notices and process is

2. Madura Munuswami Pillai, the first named opposite party, is the employer of and resides at

3. (Set out the facts showing the cause of action, in consecutive numbered paragraphs.)

4. The applicants estimate the value of the relief sought by them at the sum of Rs.

5. The applicants pray that

(a) (Set out reliefs claimed in successive paragraphs.)

(Sd.) T. RAMASWAMI CHETTI.

FORM XI.

LIST OF DOCUMENTS UNDER RULE .

(Cause title.)

| Serial number. | Date, if any, of document in vernacular and in English. | Parties to the document. | Description of document. |
|----------------|---|--------------------------|--------------------------|
|                |   |                          |                          |

(Signed)

Applicant or (opposite party) or pleader or representative of the applicant or opposite party.

FORM XII.

*Form of application for search of records.*

To

The Commissioner for Workmen's Compensation, Madras.

The undersigned hereby applies for inspection.

| Name and address of applicant in full. | Description of record as far as possible. | Whether copy or inspection is required. | Purpose for which inspection or copy is required. | Order of Court, if any, under which application is made. |
|--|---|---|---|--|
|  |   |   |   |  |

DATE

*Signature of applicant.*

[Mysore Residency Orders, 1925, Pt. I, p. 55.]

KHOTS LEASES ACT, 1865.

*Act extended to Doddakunta (Kayamgutia) village.*

No. 799-572-89, dated the 28th February, 1894.—Not reprinted.

[Gazette of India, 1894, Pt. II, p. 221.]

*Act extended to Nilsandra (inam) village.*

No. 1353, dated the 8th March, 1905.—Not re-printed.

[Gazette of India, 1905, Pt. II, p. 300.]

*Act extended to Doddigunta, Binnamangala and Byadarhalli.*

No. 5504 and No. 5508, dated the 25th September, 1905.—Not re-printed.

[Gazette of India, 1905, Pt. II, p. 1208.]

### Rules.

No. 267, dated the 14th November, 1870.—The following Rules, prescribed under Section XXXV of the Survey Act,<sup>2</sup> Bombay Act I of 1865, which was extended to Mysore under the authority of the Government of India, Foreign Department, on the 30th April, 1869, are published for general information.

Rules prescribed under Section XXXV of Bombay Act I of 1865 and passed by Government on 1st November, 1865.

|      |   |   |   |   |   |   |   |
|------|---|---|---|---|---|---|---|
| I.   | * | * | * | * | * | * | * |
| II.  | * | * | * | * | * | * | * |
| III. | * | * | * | * | * | * | * |

IV. Portions of [the Civil and Military Station of Bangalore] to be allotted by [Collector] into classes, and fines levied.—The [Collector], with the sanction of the [Resident in Mysore] will allot those portions of the [Civil and Military Station of Bangalore] to which the section may be made applicable, to one or more of the following classes, and, in addition to the ordinary assessment, fines will be leviable according to the following scale of rates:—

|                     | Rate per<br>acre. |   |
|---------------------|-------------------|---|
|                     | Rs.               |   |
| Class I . . . . .   | 100               | { or 30 times the fixed assessment, whichever<br>of the two may be the greater. |
| Class II . . . . .  | 75                |   |
| Class III . . . . . | 50                |   |
| Class IV . . . . .  | 25                |   |

V. Calculation of fines. Proviso.—The fine leviable shall, as a rule, be calculated on the entire area of a survey number, or recognised share of a number; provided, however, that in cases where a large area is concerned, the [Collector] may fix a special rate to be charged for the number applied for.

VI. Materials may be taken by occupants of Government land for certain purposes. Exception.—Occupants of Government land may take, without fee, material from their own fields for the construction of farm buildings, wells, tanks, and for agricultural works of all kind; but not for purposes of sale or trade.

<sup>1</sup> These Rules were made for the Mysore State. On its rendition and the assignment of the Civil and Military Station, they were kept in force in the latter area by clause (1) of Notification No. 126-G. P., dated the 23rd April, 1881. Printed *supra*, p. 61, footnote 1. The passage placed in [ ] or replaced by \* \* \* represent amendments sanctioned in the letter of the Government of India, No. 3531-1., dated the 27th October, 1885.

<sup>2</sup> Now designated the Khoti Leases Act, 1865. See Bombay Short Titles Act, 1921 (Bombay Act II of 1921).

VII. *Procedure to be observed by occupants wishing to appropriate lands to purposes unconnected with agriculture.*—Occupants in \* \* \* who are desirous of appropriating their lands to purposes unconnected with agriculture, or of removing material from their own fields for purposes of trade, must first obtain, through the Amildar, the permission of the [Collector], who will grant it on the terms fixed in Rule IV.

VIII. *Rates fixed in Rule IV to be applicable to building sites.* *Proviso.*—The rates fixed in Rule IV as a payment for the privilege of removing material shall be held to be applicable also to cases where land is appropriated for building sites; provided, however, that with respect to buildings-erected, or in course of erection, before the passing of Bombay Act No. I of 1866, the levy of the rate will be held in abeyance, during the currency of the present lease. \* \*

IX. *Right of removing material from unoccupied assessed or un-assessed lands to be disposed of by [Collector].*—The right of removing material from unoccupied assessed land, or from unassessed Government waste, will, as a general rule, be disposed of by the [Collector] by sale at public auction.

X. *Discretionary power to the [Collector] in dealing with exceptional cases.*—Where special circumstances exist which render the ordinary rules inapplicable, it shall be competent to the [Collector] with the sanction of the [Resident in Mysore], to fix a special rate, which may be either greater or less than the rates fixed by Rule IV, or to accept an offer for lands coming under Rule IX instead of selling the right of removal by public auction.

[*Mysore Gazette*, 1870, Pt. I, p. 181.]

#### BOMBAY ACT IV OF 1868.

*Rules for the disposal of the right of occupancy in Government waste lands.*

No. 5822, dated the 4th September, 1909.—Under the provisions of section XI of Bombay Act IV of 1868, as in force in the Civil and Military Station of Bangalore, the Hon'ble the Resident in Mysore is pleased to make the following rules for the disposal of the right of occupancy in Government waste lands situated within the limits of the said Civil and Military Station.

I. All applications for the occupancy right of waste lands should be made to the Collector of the Civil and Military Station and should be in writing on plain paper. They must specify clearly the land required.

They may be made at any time of the year, but no application can be received except in respect of lands which are actually at the time unoccupied, or have been occupied without proper sanction, or have been formally relinquished though not actually vacated.

2. If the Collector considers that there is no *prima facie* objection to the entertainment of the application, the latter should be referred through the Amildar to the village authorities for report. On receipt of the application, the village authorities should at once enter the same in a Register in Form A appended to these rules, and after due enquiry, should send to the Amildar without delay a memorandum in duplicate in Form B appended hereto. The Amildar should then, in his turn, forward the memorandum to the Collector with his remarks.

3. If, on perusal of the Village Officer's report and the Amildar's remarks thereon, the Collector considers the grant of the occupancy right applied for to be unobjectionable, he shall, unless otherwise ordered by the Resident, cause the occupancy right to be sold by public auction. Notice of such sale shall be issued in English, Tamil, Canarese and Hindustani in Form C appended hereto and exhibited in the Collector's office for at least one month prior to the sale, as well as in some conspicuous place in the village in which the land is situate and also on the land itself. The proposed sale shall also be proclaimed by beat of drum in the village concerned.

4. An upset price may, if the Collector thinks fit, be fixed in respect of every occupancy right to be sold by public auction. Any person may bid at such auction. The occupancy right shall be knocked down to the highest bidder above the upset price, if any, fixed, subject to formal confirmation by the Resident. The purchaser at the auction will be liable to pay the assessment fixed for the land.

5. After the auction has been completed, the Collector shall report the sale to the Resident for confirmation, and pending such confirmation no action should be taken for giving possession of the land or for entering the name of the purchaser in the Register of Revenue holdings. Any objections to or representations regarding such sale should be preferred to the Resident within 30 days from the date of auction. The Collector should arrange to communicate to the parties interested the final orders which may be passed in each case.

6. No appeal shall lie against the decision of the Resident in cases disposed of under these rules.

7. The Resident may, at his discretion, dispose of the occupancy right of any assessed waste land otherwise than by public auction.

FORM A.—REGISTER. [Vide Rule 2 above.]

| Serial number. | Date of receipt of application by the village officer. | Name of the applicant. | Description of the land. | Extent. | Assessment. | Date of submission to the Amildar of the memorandum in Form B. | Date of receipt of duplicate of the memorandum in Form B containing the final orders in the case. | Whether the occupancy applied for is sold or otherwise disposed of. | Remarks. |
|----------------|--|------------------------|--------------------------|---------|-------------|--|---|---|----------|
| 1              | 2  | 3                      | 4                        | 5       | 6           | 7  | 8   | 9   | 10       |
|                |  |                        |                          |         |             |  |   |   |          |

FORM B.—MEMORANDUM. [*Vide Rule 2 above.*]

[illegible]

FORM C.—NOTICE. [*Vide Rule 3 above.*]

Notice is hereby given that the occupancy right in the waste land hereunder specified which has been applied for by \_\_\_\_\_ will be disposed of by auction (subject to the confirmation of the Hon'ble the Resident) at \_\_\_\_\_

at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
o'clock.

| Village. | Survey<br>No. of land. | Extent. | Assessment. | Boundaries. |
|----------|------------------------|---------|-------------|-------------|
|          |                        |         |             |             |

2. The occupancy right in the land specified above will be sold subject to the following conditions, viz.:—

- (i) that the purchaser shall immediately after the occupancy has been knocked down to him deposit 15 per cent. of the amount of his bid and sign an agreement binding himself, on pain of forfeiting the deposit, to pay the remainder of the purchase-money within 30 days from the date of sale;
- (ii) that if the purchaser fails to deposit at once 15 per cent. of the purchase-money, the Collector shall be at liberty to resell the occupancy and to recover the loss, if any, from the prior purchaser in the same manner as if the said loss were arrears of land revenue;
- (iii) that if the sale is cancelled by the Hon'ble the Resident the purchase-money or such portion of it as may have been deposited by the purchaser will be refunded, unless such amount is declared forfeited on account of fraud or misrepresentation on the part of the purchaser;



- (iv) that upon the sale being confirmed by the Resident, the purchaser shall hold the occupancy subject to the land revenue rules in force for the time being in the Civil and Military Station of Bangalore;
- (v) that after the sale, the occupancy will continue to be subject to all the easements previously existing thereon.

[NOTE.—Any other special conditions which it may be desired to impose in any particular case may be added.]

#### PLACES OF PUBLIC RESORT ACT, 1888.

##### *Rules for the grant of licenses.*

*No. 42, dated the 17th June, 1914.*—Under the provisions of section 14 of the Places of Public Resort Act, 1888 (Madras Act II of 1888), as applied to the Civil and Military Station of Bangalore, the Hon'ble the Resident in Mysore is pleased to make the following rules for the grant in the said station of licenses under section 7 of the said Act. These rules shall come into force from the 1st August, 1914.

##### *Rules under the Places of Public Resort Act, 1888.*

NOTE.—These rules do not apply to places or buildings under military control used for functions or entertainments given under such control.

I. *Annual and temporary licenses.*—Licenses for places of public resort or entertainment which may be granted under section 7 of the Places of Public Resort Act, 1888, shall be of two classes:—(1) annual and (2) temporary. Temporary licenses will be granted for periods not exceeding three months at any one time. Annual licenses shall be granted only in respect of buildings which are not constructed of inflammable materials but temporary licenses may be issued in respect of such buildings, when they are required only for occasional use as places of public resort or entertainment. Temporary licenses only may be issued for thatched buildings or buildings constructed of wood or mats or other inflammable materials and for tents. Licenses of either description may, however, be granted for the use of open walled enclosures which have no roof or superstructure. A license once granted may be renewed at the discretion of the authority competent to grant it.

II. *Amount of fee.*—Whenever any license as described in rule I above is granted or renewed, a fee shall be charged according to the scale laid down below:—

For an annual license.....Rs. 5 for an area of 1,000 square feet or less, with an additional fee of Rs. 2-8-0 for every 500 square feet or fraction thereof in excess of 1,000.

For a temporary license for a period not exceeding three months for a building thatched or constructed of wood or mats or other inflammable materials or for a tent.....Rs. 5 for a month or for a portion thereof for an area of 1,000 square feet or less, with an additional fee of Rs. 2-8-0 for a month or for a portion thereof for every 500 square feet or fraction thereof in excess of 1,000.

For a temporary license for a period not exceeding three months for a building not thatched nor constructed of inflammable materials but only occasionally used as a place of public resort or entertainment.....Re. 1 for a month or for a portion thereof for an area of 1,000 square feet or less, with an additional fee of annas 8 for a month or for a portion thereof for every 500 square feet or fraction thereof in excess of 1,000.

For an annual license for an enclosure without any roof or superstructure thereon.....Rs. 2 for an area of 2,000 square feet or less, with an additional fee of Re. 1 for every 1,000 square feet or fraction thereof in excess of 2,000.

For a temporary license for an enclosure without any roof or superstructure thereon.....Re. 1 for a month or for a portion thereof for an area of 2,000 square feet or less, with an additional fee of annas 8 for a month or for a portion thereof for every 1,000 square feet or fraction thereof in excess of 2,000.

NOTE 1.—The fees for temporary licenses shall be leviable at half of the above rates, where the buildings or enclosures are used solely by day without lights.

NOTE 2.—The District Magistrate may, for reasons to be recorded in writing, remit, wholly or partly, the above fees in respect of any place or building, such as the Mayo Hall, licensed under these rules.

NOTE 3.—The above fees are in addition to any rent or other charge demanded by the owner of the place or building licensed under these rules.

*Explanation.*—For the purpose of these rules, where a structure for which a license is sought is constructed partly of inflammable and partly of non-inflammable materials, the whole will be considered to be an inflammable structure. Where the place consists partly of a structure and partly of a mere unroofed enclosure the fee shall be calculated on the area of the structure alone.

III. *Situation of the place or building.*—No thatched building or building constructed of wood, matting or other inflammable material and no tent shall be licensed unless it is situated in an open space. Provided that the District Magistrate may at his discretion grant licenses to such buildings as a special case. No portion of such structure should be less than 50 yards from the nearest adjoining building.

IV. *Number, size and description of exits.*—No place of public resort shall be licensed under the Act unless—

(a) it has at least two main exits of not less than 10 feet in width.

Where these exits are closed by doors, the doors shall open outwards. These main exits shall be so arranged that they can be pushed open easily and at once from inside;

- (b) when the area of the building or enclosure exceeds 1,000 square feet, at least one additional special exit per 500 square feet of additional space of a width not less than 8 feet shall be provided in the exterior walls of the building or enclosure at suitable distances apart. Such special exits may be closed whilst the building or enclosure is being used as a place of public resort, but the means adopted for utilizing them in cases of emergency shall be detailed in column 4 of the license, the sufficiency of such means being a matter for decision by the District Magistrate. Each of such special exits shall be further indicated by a board having the word "Exit" printed upon it in English and Tamil in large and legible characters. Provided that the District Magistrate may at his discretion dispense with any one or all of these requirements, provided further that in the case of buildings already existing on the date these rules come into force, the District Magistrate may, at his discretion, make any modification or exception in the granting of licenses.

V. *Prevention and extinguishing of fire.*—No license shall be granted under the Act, unless sufficient provision has in the opinion of the District Magistrate, been made for the prevention and extinguishing of any fire which may occur in or upon the licensed premises. Such precautions as are considered necessary shall be detailed in column 8 of the license. A supply of not less than 5 gallons of water per 100 square feet of area shall be insisted upon, in the case of buildings not constructed of inflammable materials and this shall be kept stored in buckets in readiness along the walls of the licensed place of public resort. In the case of thatched buildings or buildings constructed of wood or mats or other inflammable materials, the supply shall be not less than 15 gallons per 100 square feet of area and shall be stored in buckets in readiness, one half within, and the other half without, the exterior walls of the buildings.

Provided that the District Magistrate may, in view of the particular construction or disposition of any building or enclosure, the circumstances of its use or other special reasons, issue for such building or enclosure a license with such modifications of the aforesaid conditions prescribing the disposal of the water supply and the minimum amount to be stored as may be deemed suitable and sufficient.

VI. *Form and conditions of license.*—Every license granted under section 7 of the Act shall be in the form and subject to the conditions hereto appended, such conditions being printed at the foot of every such license.

VII. *Additional conditions for buildings constructed of inflammable materials and for tents.*—In the case of a thatched building or of a building constructed of wood, matting or any other inflammable

material or in the case of a tent, the following additional conditions shall also be printed at the foot of the license form and shall be enforced:—

- (11) No light shall be affixed to the side walls or posts of the building or enclosure hereby licensed nor be placed within 5 feet of the walls or roof.
- (12) No firework shall be ignited by the licensee or his servants within 100 yards of any part of the outer walls of the licensed premises.
- (13) Smoking shall not be permitted within the licensed premises.

VIII. *Revocation or suspension of license.*—Section 9\* of the Act shall also be printed at the foot of the conditions appended to the license granted under rules VI and VII above.

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\* Any authority granting a license under this Act may, for reasons recorded in writing, revoke or suspend the same when he has reason to believe (a) that the license has been fraudulently obtained, (b) that the enclosed place or building has been used for other purposes of public resort or entertainment than that for which the license was granted, (c) that the place or building can no longer be safely used for the purpose for which the license was granted.

690 CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Orders  
under Acts locally applied.)

| Name of applicant and place of abode. | Owner of the building. | Situation of building. | Size and description of main doors. | Material of roof and walls, and of which are made or proposed to be made. | Whether the license is annual or temporary. | Purpose for which proposed to be used. | Whether the premises are open to the day or during the night. | Provision for preventing and extinguishing fire. | Special conditions on which the license is granted. | Period for which license is to continue in force. | Fees paid. |
|---------------------------------------|------------------------|------------------------|-------------------------------------|---|---|--|---|--|---|---|------------|
| 1                                     | 2                      | 3                      | 4                                   | 5   | 6   | 7                                      | 8   | 9  | 10  | 11  | 12         |

This license is granted subject to the following conditions:—

- (1) No fire or naked light shall, under any circumstances, be allowed inside the licensed premises.
- (2) All swinging lights shall be suspended by metal wires or rods.
- (3) No inflammable or explosive substance, such as petroleum, kerosine oil, fireworks, gunpowder, etc., in excess of the quantity required for one day's use, shall be stored upon or within the licensed premises.
- (4) The main doors, enumerated in column 4 of this license, shall always be left unfastened and unobstructed whilst the public are using the licensed premises.
- (5) No structural or material alteration shall be made in the premises now licensed except with the written permission of the District Magistrate.
- (6) The premises shall not be kept open after 2 A.M. without special permission from the District Magistrate.
- (7) The licensee shall produce this license on demand under section 11 of the Act.
- (8) This license is not transferable except with the permission of the District Magistrate.
- (9) The District Magistrate and any subordinate duly authorised by him in that behalf and any Police Officer specially deputed to keep order during any entertainment in the licensed premises shall at all times have free access to the said premises to see whether the conditions of the license are fulfilled.
- (10) The licensee shall be responsible for the payment of fees to the police for police services. The District Superintendent of Police shall decide whether and to what extent the police services are necessary.

*District Magistrate.*

NOTE.—The District Magistrate may add such other conditions to the license as he may deem desirable in the interests of the health or safety of the public.

[*Mysore Residency Orders*, 1914, Pt. I, p. 12.]

#### EXCISE REGULATION, 1915.

##### *Powers of Excise Officers.*

No. 9, dated the 19th February, 1921.—In exercise of the powers conferred by section 7 of the Excise Regulation of 1915 (1 of 1915), as applied to the Civil and Military Station of Bangalore, and in supersession of the Residency Notification No. 57, dated 1st December, 1915,

the Hon'ble the Resident in Mysore is pleased to issue the following orders and make the following appointments for the said Station.

I. Under clause (a), the Collector of the Civil and Military Station of Bangalore shall, in addition to exercising all the powers of a Collector under the Regulation, superintend the administration of the Excise Department as Excise Commissioner under section 2 (3) of the Regulation and the collection of the Excise-revenue.

II. Under clause (b), the Assistant Commissioner of Excise of the Civil and Military Station of Bangalore shall exercise all the powers and duties of the Collector concurrently with the Collector and subject to his control—

- (i) in respect of the granting of passes under section 11 of the Regulation;
- (ii) in respect of the supervision and management of the Excise Warehouse and any licensed brewery;
- (iii) in respect of the issue of licenses and permits under section 16 of the Regulation.

The Assistant Commissioner shall also exercise the powers set out under section 21 (b), section 47 [up to a limit of Rs. 50 in each case as detailed in sub-sections (1) (a), (b) and (2)], sections 51, 54, 55 and 59 of the Regulation.

III. Under clause (g), the Collector may temporarily delegate to the Deputy Collector of the Civil and Military Station of Bangalore authority to exercise concurrently with the Collector and subject to his control all such powers and perform all such duties of a Collector as have been prescribed for the Assistant Commissioner of Excise in rule II above.

<sup>1</sup>[IV. The Sub-Inspector of Excise—

- (a) shall supervise operations in any licensed brewery in the Civil and Military Station of Bangalore subject to the control of the Collector and of the Assistant Commissioner of Excise.
- (b) shall, as Officer in charge of the Government Warehouse, exercise all the powers and perform all the duties of a Collector with regard to the issue of passes for particular consignments for the transport of liquor or ganja issued therefrom under section 11 of the Regulation concurrently with the Collector and subject to the control of the Assistant Commissioner of Excise and of the Collector. During the absence of the Sub-Inspector of Excise the Assistant Commissioner of Excise may depute another Sub-Inspector or the Excise

<sup>1</sup> Substituted by Notification No. 65, dated the 28th May, 1923. *Mysore Residency Orders*, 1923, Pt. I, p. 5.

Clerk to perform the duties of the Sub-Inspector set forth in this paragraph.

- (c) shall be Excise Officer for the purpose of sections 21 (b), 38 (a), 50, 51, 52 and 54 of the Regulation and shall exercise all the duties conferred and imposed on Excise Officers in the sections aforesaid.]

<sup>1</sup>V. *Peons* of the Excise Department on duty within the Civil and Military Station of Bangalore shall be Excise Officers under their respective denominations for purposes of sections 48, 50 and 52 of the Regulation and shall exercise all the powers and perform all the duties conferred and imposed on excise officers in the sections aforesaid.

<sup>2</sup>VI. *Licensed Brewers* shall concurrently with and subject to the control of the Collector or of the Assistant Commissioner of Excise exercise all the powers and perform all the duties of a Collector in respect of the issue of special passes under section 11 of the Regulation.

[*Mysore Residency Orders*, 1921, Pt. I, p. 78.]

*Rules prohibiting the cultivation of the hemp plant and regulating the import, etc., of intoxicating drugs, other than cocaine, and its affluents. Establishment of a warehouse.*

No. 433, dated the 26th January, 1904.—In exercise of the powers conferred by section 19 of the Excise Act, 1896 (Act XII of 1896),<sup>1</sup> as applied to the Civil and Military Station of Bangalore, and with the previous sanction of the Governor General in Council, the Resident in Mysore is pleased to make the following rules for the cultivation of the hemp plant and the import, transport, storage and possession of intoxicating drugs:—

- (1) These rules shall apply to the Civil and Military Station of Bangalore.
- (2) In these rules,—
  - (a) “ganja” means the dried flowering tops of cultivated female hemp plants which have become coated with resin in consequence of having been unable to set seeds freely;
  - (b) “charas” means the resinous matter formed on the flowering tops of cultivated female hemp plants, when collected separately; and
  - (c) “bhang” means the dried leaves of the hemp plant, whether male or female and whether cultivated or uncultivated.

<sup>1</sup> Re-numbered by Notification No. 65, dated the 25th May, 1923. *Mysore Residency Orders*, 1923, Pt. I, p. 6.

<sup>2</sup> See now the Excise Regulation, 1915, as applied by Notification No. 261-I., dated the 24th April, 1923, *supra*, p. 89.



2. The cultivation or the collection of the spontaneous growth of the hemp plant or the preparation of intoxicating drugs therefrom is prohibited.

3. The importation of intoxicating drugs, except on behalf of the Government and under cover of a permit granted by the Collector or other officer authorized by the Resident in this behalf, is prohibited. The permit shall specify the route by which the intoxicating drugs are to be imported, the quantity of the consignment covered by it, and the period for which it is to be in force.

4. The transport of intoxicating drugs in excess of the maximum limits for possession without license referred to in section 18, sub-section (2) of the Act, is prohibited except under cover of a permit granted in such form as the Resident may prescribe.

5. The Excise Depôt in the Civil and Military Station shall be a warehouse for the storage of all intoxicating drugs imported on behalf of the Government.

6. The said warehouse shall be in charge of the Superintendent of Excise, or such other officer as the Resident may appoint. Such officer shall perform his duties under the general superintendence of the Collector and subject to the control of the Resident.

7. Unless specially permitted or directed by the Collector to take over the stock of a licensed vendor whose license has expired, licensed vendors shall procure the intoxicating drugs which they require for sale in their shops, only from the said warehouse, on payment of the cost price, as fixed from time to time, in addition to the prescribed duty.

8. A licensed vendor desiring to procure intoxicating drugs from the said warehouse shall tender the duty and the cost price thereof to the officer appointed to receive such payment, together with a chalan in such form as the Resident may prescribe. Such officer will, after satisfying himself that the applicant is a licensed vendor, grant him a receipt. The licensed vendor shall then apply to the officer in charge of the warehouse, producing at the same time the said receipt and a permit-book in such form as the Resident may prescribe. The officer in charge will, after assuring himself that the cost price and the duty have been correctly levied, issue the drugs applied for and grant a permit in the prescribed form authorizing the removal of the drugs to the licensed vendor's shop.

[*Gazette of India*, 1904, Pt. II, p. 129.]

*Rules for the control of intoxicating drugs so far as they relate to cocaine.*

No. 15, dated the 20th February, 1923.—In exercise of the powers conferred by sections 5, 2 (II), 13, 16 and 62 of the Excise Regulation, 1915 (I of 1915), as applied to the Civil and Military Station of Banga-

fore, and in supersession of all previous rules on the subject, the Hon'ble the Resident in Mysore is pleased to make the following rules for the control of intoxicating drugs so far as they relate to cocaine.

I. In these rules:—

- (1) "Collector" means the Collector of the Civil and Military Station, Bangalore.
- (2) "Cocaine" means and includes coca leaves, alkaloids of coca, any other intoxicating drink or substance prepared from the coca plant, any drugs, synthetic or other, having a like physiological effect to that of cocaine, and any preparation or admixture of the above <sup>1</sup>[except such as may be exempted from all excise restrictions].
- (3) "Authorized Medical Practitioner" means any practitioner who would, if in Madras, be eligible for registration under the Madras Medical Registration Act, 1914, and any unregistered person who is possessed of qualifications which render him eligible for registration under the Medical Act, 1858, and any Act of Parliament amending the same, or under any law for the registration of medical practitioners for the time being in force in any part of British India and who has been authorized in this behalf by the Hon'ble the Resident in Mysore.
- (4) "Veterinary practitioner" means a person holding a diploma of the Royal College of Veterinary Surgeons.

II. The Collector may, on application, issue licenses in the form appended to these rules, to druggists and chemists and authorized medical practitioners and veterinary practitioners and dentists holding diplomas from recognised institutions for the possession and sale of cocaine. Such licenses shall be subject to a fee of <sup>2</sup>[Rs. 10] a year, and shall be renewed every year.

III. The licensee shall obtain his supplies of cocaine either by direct importation from a foreign country with the special permission of the Hon'ble the Resident in Mysore or from another licensed vendor in India, and shall not receive, or have in his possession, any cocaine obtained otherwise.

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\* The transport to the  
licensee's premises of cocaine imported from abroad will be covered by

<sup>1</sup> Added by Notification No. 71, dated the 31st July, 1925. *Mysore Residency Orders*, 1925, Pt. I, p. 19.

<sup>2</sup> Substituted by Notification No. 23, dated the 10th March, 1923. *Mysore Residency Orders*, 1923, Pt. I, p. 87.

<sup>3</sup> Omitted by Notification No. 71, dated the 31st July, 1925. *Mysore Residency Orders*, 1925, Pt. I, p. 19.

the permit which authorizes the import. When the cocaine is purchased from a licensed vendor in the Civil and Military Station it will be covered by a permit issued under rule IX, *infra*.<sup>1</sup> [In the case of imports from countries outside British India or from Indian States the licensee shall first apply to the Collector, stating the name and address of the firm from which he wishes to purchase the drug, the exact description and the quantity of the drug, the purpose for which the drug is required and the port of import, if any, and shall obtain an import permit before he indents for the drug. If the Collector is satisfied that the drug is required solely for medicinal purposes and that the licensee is authorised to possess the quantity of the drug applied for, he will grant an import permit and an import certificate in the prescribed form. The licensee should forward the certificate to the exporting firm along with his indent for the drug.] When a licensee wishes to obtain a supply from another province of British India, he must obtain a permit in advance from the Collector, Civil and Military Station, Bangalore, for the transport of the drug from the frontier to the destination and forward a copy of the permit with his indent for presentation to the officer in the province of export who is empowered to authorize the export of the drug.<sup>2</sup> [The transmission by inland post of coca leaves, alkaloids of coca, every other intoxicating drink or substance prepared from the coca plant and all drugs synthetic or other having a like physiological effect to that of cocaine and all preparations and admixtures of any of the above by licensed chemists will be permitted subject to the following conditions:—

1. Only the parcel post shall be used.
2. The parcels shall be insured.
3. The parcels shall be covered by permits issued by the proper authorities in the province to which the parcels are addressed.
4. The parcels shall be accompanied by a declaration stating the names of the consignee and consignor, the contents of the parcels in detail, the permit number and date covering the transmission and the number of the licence held by the consignee.
5. The consignee shall show distinctly in his account books the name of the consignor and the quantity of drugs sent to him from time to time by post.]

IV. The licensee shall not keep or sell cocaine at any other place than the premises the boundaries of which are specified in the license and shall not possess at one time more than the quantity of coca alkaloids,

<sup>1</sup> Added by Notification No. 71, dated the 31st July, 1925. *Mysore Residency Orders*, 1925, Pt. I, p. 19.

<sup>2</sup> Substituted by Notification No. 33, dated the 17th March, 1926. *Mysore Residency Orders*, 1926, Pt. I, p. 93.

their synthetic substitutes and their preparations and admixtures as may be fixed by the Collector with reference to the standing and requirements of the licensee of such larger quantities as may be fixed by the Hon'ble the Resident in Mysore.

V. Cocaine may be sold to:—

- (1) authorized medical practitioners, veterinary practitioners and dentists holding diplomas from recognised institutions up to a limit of half an ounce or such larger quantities as they are permitted to possess;
- (2) other licensed vendors up to the limit of possession prescribed in their licenses;
- (3) persons authorized to export cocaine up to the limit of amount which they have been specially permitted to export;

<sup>1</sup>[in the case of exports to countries outside British India to persons holding an import permit and import certificate issued by the Government of the importing country; in the case of the export of the drug to Indian States to persons holding a pass granted by the Resident or the Political Agent attached to the State and countersigned by the Collector; the pass will be countersigned by the Collector only on the production of an import certificate from the Government of the importing State approving of the import and countersigned by the Resident or the Political Agent;]

- (4) persons authorized to possess cocaine without license; and
- (5) any other person on and in accordance with the written prescription of authorized medical practitioners for *bonâ fide* medical purpose [other than such person himself]<sup>1</sup>:

<sup>1</sup>[Provided that the drug shall not be delivered to any person not licensed or otherwise authorised to be in possession of the drug, who purports to be sent by or on behalf of a person so licensed or authorised, unless such person produces an authority in writing, signed by the person so licensed or authorised, to receive the drug on his behalf and unless the licensee is satisfied that the authority is genuine.]

VI. <sup>2</sup>[Prescriptions on the authority of which cocaine is sold shall be given only in the prescribed form annexed. It must be dated and signed by the medical practitioner with his full name and address and qualifications and marked with words “not to be repeated” and must specify the total amount of cocaine to be supplied on the prescription; provided that, where the medicine to be supplied on the prescription is a proprietary

<sup>1</sup> Added by Notification No. 71, dated the 31st July, 1925. *Mysore Residency Orders*, 1925, Pt. I, p. 19.

<sup>2</sup> Substituted by ditto.

medicine, it shall be sufficient to state the amount of the medicine to be supplied.] The prescription shall not be given for the use of the prescriber himself.

A prescription shall only be given by a qualified dentist for the purposes of dental treatment and shall be marked "For local dental treatment only".

A prescription shall only be given by a qualified veterinary surgeon for the purposes of treatment of animals and shall be marked "For animal treatment only".

VII. Cocaine shall not be supplied more than once on the same prescription except in pursuance of fresh directions duly endorsed on the prescriptions by the medical practitioner by whom it was originally issued and signed with his name in full and dated.

VIII. The name of the person, firm, or body corporate dispensing the prescription, the address of the premises at which and the date on which it is dispensed must be marked on the prescription.

IX. In the case of every sale otherwise than on prescription, the licensee shall issue a permit to cover the transport of the consignment to its destination, if a permit has not already been taken out from an authorized Government officer.

<sup>1</sup>[X. (a) The licensee shall maintain correct accounts of all transactions in cocaine in the form annexed which can be purchased in the Office of the Assistant Commissioner of Excise, such account to show in respect of each receipt the source of supply and the quantity received and in respect of each issue the quantity issued and the name and address of the person to whom it is issued. He shall file in support of his accounts of receipts the Custom receipts for duty paid or invoices of supplies obtained otherwise than by import by sea, and in support of his accounts of issues copies of the prescriptions on which they are made, and in case of issues made otherwise than on prescriptions receipts from the persons to whom the issues were made. Such accounts and documents shall be preserved for not less than 2 years from the date of the last entry in the accounts.

(b) The licensee shall send to the office of the Assistant Commissioner of Excise a monthly abstract of his transactions in the form annexed in respect of each head of account so as to reach the Assistant Commissioner of Excise not later than the 10th of the month following that to which the transactions relate.

(c) The licensee may keep his wholesale accounts in a separate book (in the same form) if he chooses to do so.

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<sup>1</sup> Substituted by Notification No. 71, dated the 31st July, 1925, *Mysore Residency Orders*, 1925, Pt. I, p. 19.

| Date. | Purchased.  |                               |           | Dispensed.  |   |                                     |
|-------|---|-------------------------------|-----------|---|---|-------------------------------------|
|       | Name and address of the person from whom purchased. | Description of cocaine drugs. | Quantity. | Name and address of the person to whom dispensed. | Authority of the person to be in possession of cocaine drugs. | Description of the drugs dispensed. |
|       |   |                               |           |   |   |                                     |

1 [Form of account to be maintained by Cocaine Licensees.

| Data. | Transaction, Receipts, source of supply, Authority and Issues.  | Pure Cocaine. |     |                          |     | Salts of cocaine.   |     |                          |     | Preparation and admixtures of cocaine. |     |  |     | Name and address of the patient to whom the drug is supplied in the case of retail issues and of the medical practitioner granting the prescription and name and address of the licensee or medical practitioner to whom supplies are made and number and date of the permit in case of wholesale issues. | No. and date of custom's receipts for duty paid in the case of imports by sea and invoice number and date in the case of supply obtained otherwise. |
|-------|---|---------------|-----|--------------------------|-----|---------------------|-----|--------------------------|-----|--|-----|--|-----|---|---|
|       |   | Cocaine.      |     | Substitutes for cocaine. |     | Cocaine hydrochlor. |     | Other cocaine for salts. |     | Bulk weight.                           |     | Weight of cocaine contained in the preparation or admixture. |     |   |   |
|       |   | lb.           | oz. | dr.                      | gr. | lb.                 | oz. | dr.                      | gr. | lb.                                    | oz. | dr.  | gr. |   |   |
|       | { Balance in hand.<br>Received from.<br>Issues. Wholesale.<br>Issued. Retail.<br>Used for patent medicines.<br>Balance in hand.<br>Received from.<br>Issues. Wholesale.<br>Issues retail.<br>Used for patent medicines. |               |     |                          |     |                     |     |                          |     |  |     |  |     |   |   |

Form of return to be submitted to the Assistant Commissioner of Excise by the Cocaine Licensees and account to be maintained in the office of the Assistant Commissioner of Excise.

| Month. | Description of drug.  | Receipts.        |                 |                          |                                      | Total of columns 3 to 6. | Issues.          |   |                 | Total of columns 8 to 10. | Closing balance on the last day of each month. | Remarks. |
|--------|---|------------------|-----------------|--------------------------|--------------------------------------|--------------------------|------------------|---|-----------------|---------------------------|--|----------|
|        |   | Opening balance. | By sea.         | From other presidencies. | From other licensees in the station. |                          | On prescription. | To other licensed dealers or medical practitioners. |                 |                           |  |          |
|        |   |                  |                 |                          |                                      |                          |                  | lb. oz. dr. gr.                                     | lb. oz. dr. gr. |                           |  |          |
|        | <i>Pure Cocaine.</i><br>Cocaine, substitutes for Cocaine.<br><i>Salts of Cocaine.</i><br>Cocaine hydrochlor, other cocaine salts.<br><i>Preparations and admixtures of Cocaine.</i><br>Bulk weight, weight of cocaine contained in the preparation or admixture.<br>Total including the weight of cocaine contained in the preparation. | lb. oz. dr. gr.  | lb. oz. dr. gr. | lb. oz. dr. gr.          | lb. oz. dr. gr.                      | lb. oz. dr. gr.          | lb. oz. dr. gr.  | lb. oz. dr. gr.                                     | lb. oz. dr. gr. | lb. oz. dr. gr.           |  |          |

XI. If any authorized person is convicted of any offence under these rules or under any notification regulating the import or export of cocaine the Hon'ble the Resident may direct that he shall cease to be an authorized person for the purpose of these rules.

XII. The licensee shall maintain correct accounts of all transactions in cocaine, such accounts to show in respect of each receipt the source of supply and the quantity received and in respect of each issue the quantity issued, and the name and address of the person to whom it is issued. He shall file in support of the accounts of receipts the customs receipts for duty paid or invoices of supplies obtained otherwise than by import by sea; and in support of his accounts of issues, copies of the prescriptions on which they are made, and in the case of issues made otherwise than on prescriptions receipts from the persons to whom the issues were made.

Prescriptions, records, registers, or other documents required to be retained or kept in pursuance of these rules shall be preserved for not less than two years from the date of the prescription or document or the last entry in the record or register, as the case may be.

XIII. <sup>1</sup>[(a) A package or bottle containing cocaine shall before sale be marked with the amount of the drug in the package or bottle.

(b) A preparation, admixture, extract or other substance containing cocaine shall be sold only in a package or bottle plainly marked:—

(1) in the case of a powder, solution or ointment with the total amount thereof in the package or bottle and the percentage of the drug in the powder, solution or ointment;

(2) in the case of tablets or other articles with the amount of the drug in each article and the number of articles in the package or bottle:

Provided that this condition shall not apply to any preparation dispensed by a duly qualified medical practitioner or on the prescription of a duly qualified medical practitioner.]

XIV. All stocks of cocaine and all accounts and records of transactions under these rules shall be open to inspection by any officer of the Excise Department not lower in rank than a Sub-Inspector.

XV. When a licensee desires to transport cocaine for export either to an Indian State or to any British territory, he shall apply to the Collector for an export permit, who, on production of a no-objection certificate signed by the Political Agent or the District Collector, as the case may be, of the place to which it is proposed to export the drug, may grant such application.

<sup>1</sup> Substituted by Notification No. 71, dated the 31st July, 1925. *Mysoor Residency Orders, 1925, Pt. 1, p. 19.*



XVI. The licensee shall, on requisition by the Collector or by any officer duly authorized by the Collector, deliver up his license for amendment or for the issue of a fresh license.

XVII. Cocaine seized under the Excise Regulation, 1915 (I of 1915), shall be produced before the Magistrate, before whom the prosecution is to be instituted. If confiscated by the order of the Magistrate, it shall, after the final disposal of the case be forwarded (except in the case of coca leaves which shall be destroyed under the orders of the Magistrate) to the Chemical Examiner to the Government of Madras, who shall send it, if found on examination to be fit for use, under his own seal to the Government Medical Stores, and if found to be unfit for use, shall have it destroyed:

Provided that if the quantity of confiscated cocaine found fit for use is greatly in excess of the annual requirements of the Government Medical Stores, arrangements will be made by the Collector in communication with the Director General, Indian Medical Service, to distribute the excess to the stores in other provinces. The amount in stock after the satisfaction of the demand of the Government Stores will be kept in charge of the Excise Department and reported to the Hon'ble the Resident at the close of each financial year for the information of the Government of India.

- GENERAL.

XVIII. (1) The cultivation of the coca plant and the production or the preparation of cocaine is prohibited.

(2) Nothing contained in these rules shall apply to import, cultivation, production, preparation or transport on behalf of Government.

*Exemptions.*

[XIX. The preparation specified in the annexed schedule may be transported, imported, exported, possessed and sold without restriction provided that its import by sea shall be permitted only by means other than that of the post.

*Schedule.*

(1) Throat Mentholated Tablets Rx. "A".]

2[(2) Parke Davis & Co.'s Mentholated Throat Tablets.

(3) Parke Davis & Co.'s Elixir Kola Compound.

(4) Burroughs, Wellcome & Co.'s Tabloid Voice.

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<sup>1</sup> Inserted by Notification No. 132, dated the 28th October, 1924. *Mysore Residency Orders*, 1924, Pt. I, p. 59.

<sup>2</sup> Inserted by Notification No. 78, dated the 27th August, 1925. *Mysore Residency Orders*, 1925, Pt. I, p. 28.

(5) Allen & Hanbury's Pastilles Menthol Cocaine and Red Gum Pastilles.

(6) Allen & Hanbury's Rhatnay and Cocaine.

(7) Allen & Hanbury's Red Gum and Cocaine.

*N.B.*—The preparations 2 to 7 of the schedule will enjoy this exemption only so long as they do not contain more than one-tenth per cent. of cocaine.]

<sup>1</sup>[(8) "Sedna Tonic Wine" containing not more than one-tenth per cent. of cocaine.]

<sup>2</sup>[(9) Parke Davis & Co.'s Kola Compound.

(10) Parke Davis & Co.'s Cocoa Cordial.

(11) Burgoyne Burbidge's Isidama.

(12) Parke Davis & Co.'s Kola Cordial.

(13) Wright & Co.'s Damiana Elixir.

*N.B.*—The preparations 9 to 13 of the schedule will enjoy this exemption only so long as they do not contain more than one-tenth per cent. of cocaine.]

<sup>3</sup>[(14) Allen and Hanbury's Menthol Eucalyptus and Cocaine Pastilles.

*N.B.*—This preparation will enjoy this exemption only so long as it does not contain more than one-tenth per cent. of cocaine.]

<sup>4</sup>[(15) "Fluid Extract Saw Palmetto Comp." manufactured by Messrs. Parke Davis & Co., London.

*N.B.*—This preparation will enjoy this exemption only so long as it does not contain more than one-tenth per cent. of cocaine.]

<sup>5</sup>[(16) "Mist Hepatica Conc." manufactured by Messrs. C. J. Hewlett & Company, London.

*N.B.*—This preparation will enjoy this exemption only so long as it does not contain more than one-tenth per cent. of cocaine.]

<sup>6</sup>[(17) "Ferrarsons" manufactured by Dr. Zambelletti of Milano.

*N.B.*—This preparation will enjoy this exemption only so long as it does not contain more than one-tenth per cent. of cocaine.]

<sup>7</sup>[(18) Neocaine—Sunenine.]

<sup>1</sup> Added by Notification No. 91, dated the 14th October, 1925. *Mysore Residency Orders*, 1925, Pt. I, p. 44.

<sup>2</sup> Added by Notification No. 8, dated the 19th January, 1926. *Mysore Residency Orders*, 1926, Pt. I, p. 73.

<sup>3</sup> Added by Notification No. 54, dated the 18th May, 1926. *Mysore Residency Orders*, 1926, Pt. I, p. 2.

<sup>4</sup> Added by Notification No. 61, dated the 19th June, 1926. *Mysore Residency Orders*, 1926, Pt. I, p. 6.

<sup>5</sup> Added by Notification No. 89, dated the 13th October, 1926. *Mysore Residency Orders*, 1926, Pt. I, p. 27.

<sup>6</sup> Added by Notification No. 48, dated the 30th May, 1927. *Mysore Residency Orders*, 1927, Pt. I, p. 2.

<sup>7</sup> Added by Notification No. 59, dated the 20th July, 1928. *Mysore Residency Orders*, 1928, Pt. I, p. 13.

704 CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Orders under Acts locally applied.)

FORM C. 1.

COCAINE LICENSE.

I, \_\_\_\_\_, Collector of the Civil and Military Station of Bangalore, under the provisions of the Excise Regulation, I of 1915, hereby license you \_\_\_\_\_ residing at \_\_\_\_\_ to possess and sell cocaine and preparations thereof from the date of this license to the 31st day \_\_\_\_\_ 19 \_\_\_\_\_, subject to the conditions and stipulations to be observed by you.

2. The licensee shall not possess at one time more than \_\_\_\_\_ oz. of coca alkaloids and their synthetic substitutes and \_\_\_\_\_ oz. of their preparations and admixtures.

*Conditions applicable to the license.*

Special conditions applicable to cocaine license.

General conditions applicable to all excise and opium licenses.

*Schedule showing the boundaries of the shop.*

| Street and door number or other particulars. | Bounded on the |         |          |         | Remarks. |
|--|----------------|---------|----------|---------|----------|
|  | North by       | East by | South by | West by |          |
|  |                |         |          |         |          |

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

*Collector.*

[*Mysore Residency Orders, 1923, Pt. I, p. 80.*]

*Importation, possession and sale of denatured spirits.*

No. 21, dated the 18th February, 1922.—Whereas it has been found necessary to take steps to control the importation, possession and sale of denatured spirits in the Civil and Military Station of Bangalore, in exercise of the powers conferred by Section 62 of the Excise Regulation, 1915 (I of 1915), as applied to the Station, the Hon'ble the Resident in Mysore is pleased to make the following rules under Sections 9 to 11, 13 and 16 to 18 of the said Regulation. They will come into force one month after the date of this notification.

1. *Definition.*—“ Denatured Spirit ” means spirit subjected to a process prescribed by the Local Government by notification for the purpose of rendering it unfit for human consumption. The process prescribed for ordinary denatured spirit in the Civil and Military Station of Bangalore is the admixture with spirit of at least 50° O. P., of light caoutchoucine and pyridine bases in the proportion of  $\frac{1}{2}$  a gallon of light caoutchoucine and  $\frac{1}{2}$  a gallon of pyridine bases to 99 gallons of spirit. The light caoutchoucine and pyridine bases must answer the Laboratory tests prescribed in the appendix.

“ Methylated Spirit ” means denatured spirit rendered effectually unfit for human consumption by the admixture of crude wood naptha in the proportion of one part of crude wood naptha to nine parts of spirit. The use of crude wood naptha in a highly purified condition is not permitted.

Denaturation by other processes may be permitted by the Hon'ble the Resident in Mysore.

2. *Duty.*—Spirit manufactured and denatured in British India and in the Mysore State shall be exempt from excise duty; all other denatured spirit is subject to a duty of  $7\frac{1}{2}$  per cent. *ad valorem*.

3. *Import.*—Denatured spirit may be imported by sea but samples must be submitted to the Board's Laboratory, Madras, and there certified to be fully denatured before it can be removed from the Customs House.

Denatured spirits may be imported from any province in British India with the previous permission of the Collector provided that the spirit to be imported has been fully denatured as laid down in rule 1, *supra*, and provided also that such spirit is transported from the frontier to its destination under cover of a permit in form D. S. 6.

Denatured spirit may be imported from the Mysore Government Distillery in Bangalore with the previous permission of the Collector, to a

wholesale depôt in the Civil and Military Station of Bangalore, but the consignment must not be disposed of, in any way whatsoever, until a sample of it has been analysed at the Board's Laboratory, Madras, or any other public laboratory which the Collector may select, and certified to be fully denatured.

Spirit which it is proposed to import that is not sufficiently denatured must either be denatured afresh at the expense of the importer or it must pay duty at the full tariff rate as potable spirit.

Methylated spirit may be imported only with the special sanction of the Collector of the Civil and Military Station of Bangalore.

The import of quantities within the limits of private possession is not covered by these restrictions.

4. *Export*.—Denatured spirit may be exported by holders of D. S. 2 licences to places outside the Civil and Military Station of Bangalore under a permit in form D. S. 6 granted by the Collector of the Civil and Military Station of Bangalore. When applying for the permit the exporter shall present to the Collector a permit authorizing the import from the Collector or other officer empowered in that behalf, of the district to which the spirit is to be exported.

5. *Licence—Wholesale vend.*—The distillers in British India, who manufactured denatured spirits, will be allowed to sell, to holders of licenses under these rules either from the distilleries direct or from depôts established with the approval of the Collector, quantities of not more than 150 gallons of denatured spirits or 20 gallons of methylated spirit at one time. The wholesale depôt licences shall be in form D. S. 1.

Wholesale depôt licensees will be permitted to import denatured spirits from the Government Distillery in Bangalore up to a limit of 150 gallons each time on the conditions specified in rule 3, *supra*.

6. *Licences—Retail vend.*—Licenses in form D. S. 2 for the sale of denatured spirit may be granted by the Collector to respectable persons, free of fee, on their showing that they have a demand for such spirit. The licensee may sell in quantities not exceeding 50 gallons to other holders of D. S. 2 licences or holders of special licences in form D. S. 3 (varnish makers) and not exceeding one gallon to private persons. Issues in excess of a gallon shall be covered by a permit in form D. S. 6 to be granted by the licensee.

7. *Licences to varnish makers and others.*—Licences in form D. S. 3 may be granted by the Collector to varnish makers and others for the possession of denatured spirit in such quantities as the Collector may

determine in consideration of their reasonable requirements for use in their business, but not for sale.

8. *Licences for Railway Companies.*—Licences in form D. S. 4 will be issued to Railway Companies for the storage and use of denatured spirit but not for sale. Issues of denatured spirits made to other Railway Stations in excess of one gallon must be covered by a permit in form D. S. 6 to be issued by the licensee in each case.

9. *Licences to Chemists and Druggists.*—Licences in form D. S. 5 will be granted by the Collector to chemists and druggists who for special reasons require methylated spirit.

10. *Limits of possession.*—The quantity prescribed as the limit of private possession of denatured spirits is one Imperial gallon. The limit of possession of methylated spirit is one reputed quart.

11. *Permits for transport.*—No denatured spirit shall be transported in quantities exceeding one Imperial gallon except under a pass in form D. S. 6.

12. *General conditions applicable to all licences.*—No shop or depôt for the vend or storage of denatured spirit shall be located in the same building with any shop for the sale of intoxicating liquor for consumption on the premises.

(ii) The licence must be hung up in a conspicuous place within the depôt or shop.

(iii) No depôt or shop shall be kept open between the hours 9 p.m. and 6 a.m.

(iv) Denatured spirit kept for sale shall be of good quality and unadulterated. Any attempt to render such spirit fit for human consumption is punishable under section 33 (a) of the Excise Regulation I of 1915. Should any inspecting officer be of opinion that any spirit found by him on inspection is insufficiently denatured, he shall report the matter to the Collector, and may at the time of inspection remove the spirit in question or cause the receptacle to be sealed and submit a sample to the Board's Laboratory, Madras, for analysis and report. If the analysis shows that it is insufficiently denatured the spirit shall at once be treated afresh or, failing this, destroyed.

(v) True accounts of transactions shall be maintained from day to day in ink in form D. S. 7 by the holders of licences other than those in form D. S. 1, who shall maintain their accounts in the form appended to their licence. The accounts

and permits shall be in printed books which may be obtained from the local Excise officers on payment of cost price. The permits received and the counterfoils of permits issued shall be preserved for one year after the period covered by the licence and shall be produced when called for by any officer not below the rank of Assistant Inspector of Excise.

- (vi) No privilege of storage or vend shall be sold, transferred or sub-rented without the Collector's previous permission. Nor, if the Collector so orders, shall any agent be appointed for the management of any such privilege without his previous approval.
- (vii) Any licence shall be revocable by the Collector without giving compensation on giving a licensee fifteen days' notice of such revocation.
- (viii) The premises for which the licence is granted shall be open to inspection by an officer of the Excise Department not below the rank of Sub-Inspector, and the Assistant Commissioner of Excise shall be furnished with such information regarding the quantity of spirit used as may be required by him.
- (ix) An inspection note book with its pages numbered consecutively shall be maintained for the use of inspecting officers and shall be handed over to the Assistant Commissioner of Excise or any other officer authorized by him to receive it on a receipt being given therefor.
- (x) Every bottle, jar and cask containing  $\frac{\text{denatured}}{\text{methylated}}$  spirit received into or kept for storage or sale shall be conspicuously labelled or branded with the words "made and  $\frac{\text{denatured}}{\text{methylated}}$  in India" or "made in  
and  $\frac{\text{denatured}}{\text{methylated}}$  in India" or "made and  $\frac{\text{denatured}}{\text{methylated}}$  in  
" as the case may be.
- (xi) Licensees shall be bound by any additional rules that may be prescribed by the Hon'ble the Resident in Mysore from time to time.
- (xii) In case of breach of any of the conditions of a licence, it shall be competent to the Collector to impose a fine not exceeding Rs. 100 for every such breach or to cancel the licence forthwith. The imposition of a fine or cancellation of a licence shall not be held to prevent the licensee from being prosecuted under Excise Regulation I of 1915.

APPENDIX.

OFFICIAL LABORATORY TESTS TO ASCERTAIN THE SUITABILITY OF SAMPLES OF  
LIGHT CAOUTCHOUCINE AND PYRIDINE BASES FOR DENATURING  
ALCOHOL.

*Specification of Light Caoutchoucine.*

1. *Nature*.—By "caoutchoucine" is meant the liquid obtained by the dry distillation of vulcanised rubber. By "light caoutchoucine" is meant the liquid obtained by redistilling "caoutchoucine" and collecting that portion which passes over at or below about 200° C.

2. *The specific gravity of light Caoutchoucine*.—The specific gravity of light caoutchoucine at 60 F. should lie between .835 and .860 referred to water as 1.000.

3. *Boiling test*.—For the purpose of this test, 100 c. c. of light caoutchoucine should be redistilled in the pyridine testing flask (see specification for pyridine bases). Under those conditions not more than 15 c. c. of distillate should pass over at or below 100° C. whilst a total (including the foregoing) of at least 70 c. c. should pass over at or below 200° C.

4. *Absence of soluble constituents*.—When 25 c. c. of light caoutchoucine are shaken with an equal volume of water in a stoppered graduated cylinder and due time is allowed for the liquids to separate again into layers, the light caoutchoucine should show no appreciable diminution in volume.

5. *Neutrality*.—The aqueous layer obtained from test 4 should show no marked acidity or alkalinity when tested with both red and blue litmus paper.

6. *Limit of saturated hydro-carbons*.—At least 70 per cent. of the light caoutchoucine should be soluble in concentrated sulphuric acid. For testing this, 25 c. c. should be measured off into a tapped and stoppered separating-cylinder of suitable capacity and sulphuric acid should be added, at first with great care and in very small quantities. After each addition of acid the cylinder should be shaken and cooled to avoid loss of volatile constituents. Sufficient acid must be used (usually about 50 c. c.) for the high coloured layer to become quite fluid so that it can separate readily from the upper layer of unattacked constituents. After a final thorough shaking and cooling the cylinder should be left for about three hours to effect complete separation of the two layers and the lower layer be then tapped off. The almost colourless upper layer should be again shaken with strong sulphuric acid until it appears free from soluble constituents (as judged by the colour imparted to the sulphuric acid) and separated as before after standing. It should finally measure not more than 7 c. cs. The acid used should be of specific gravity 1.84 and may be of commercial quality.



7. *Freedom from water.*—Light caoutchoucine should not contain any appreciable amount of water. Any officer engaged in drawing samples for test should certify on the bottle that he has drawn the sample from the bottom of the containing vessel where the water, if present, will be found. For this purpose he should employ a syphon tube of which the shorter limb reaches to the floor of the containing vessel. He should also assure himself that the sample is collected in a bottle free of moisture.

*Specification of pyridine bases.*

<sup>1</sup>I. *Colour.*—The colour must not ordinarily be darker than that given by 2 c. c. of decinormal iodine solution dissolved in one litre of distilled water.

II. *Miscibility with water.*—The pyridine bases should mix readily and completely with spirit and should give a clear or only slightly opalescent solution when mixed with twice their volume of water.

III. *Amount of water present.*—From 20 c. c. of the pyridine bases mixed with 20 c. c. of caustic soda solution (density 14) at least 18·5 c. c. of the bases should separate after having been repeatedly shaken together and allowed to stand.

IV. *Titration.*—Dissolve 1 c. c. of the pyridine bases in 9·5 c. c. of distilled water. Titrate with normal sulphuric acid until a drop of the mixture gives a definite blue spot on congo-red paper (the blue colour should at once disappear). At least 9·5 c. c. of the normal sulphuric acid should be required to produce this reaction. (To prepare the congo-red paper, dissolve one gram of congo-red in one litre of distilled water. Soak filter paper in this and then dry.)

V. *Cadmium chloride reaction.*—Vigorously shake together 10 c. c. of a solution of 1 c. c. of pyridine in 100 c. c. of distilled water with 5 c. c. of a 5 per cent. solution of dry fused cadmium chloride. A distinct crystalline precipitate should immediately result and there should be an abundant separation of crystals within ten minutes.

V (a). Another 10 c. c. of the above 1 per cent. aqueous solution should give a white precipitate when mixed with 5 c. c. of Nessler's re-agent.

VI. *Boiling point.*—Distil 100 c. c. of the pyridine bases in the manner described below. At least 50 c. c. should distil over, at or under 140 C. and a total of 90 c. c. at or under 160 C.

*Method.*—One hundred cubic centimeters of pyridine bases are placed in a short necked copper flask of about 200 c. c. capacity. The flask is arranged on an asbestos card which has a circular hole of 30 mm.

<sup>1</sup> Substituted by Notification No. 86, dated the 12th October, 1926. *Mysore Residency Orders*, 1926, Pt. I, p. 26.

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*under Acts locally applied.*)

diameter cut in it. To the flask is attached a fractionating column (consisting of a tube 13 mm. wide and 170 mm. long, provided with one bulb) of which the side tube (issuing 1 cm. above the bulb) joins a Liebig's condenser of which the cooled part is at least 400 mm. long. A standard thermometer is placed in the head of the column so that its bulb occupies the centre of the bulb of the column.

The speed of distillation is adjusted to 5 c. c. per minute, the distillate being received in a graduated glass cylinder. At least 50 c. c. should distil over at or under 140 C. 90 c. c. at or under 160 C. at a barometric pressure of 760 mm.

If the barometer varies from 760 mm. a correction of 1 C. for each 30 mm. of variation should be applied (*e.g.*, under 770 mm. of pressure 50 c. c. of distillate should come over at or under 140°·3 C., whilst under 750 mm. of the same amount of distillate should come over at 139°·7 C.

NOTE.—Pyridine proper is a single definite compound ( $C_5H_5N$ ) boiling at about 116 C. Pyridine bases are mixtures of pyridine with closely allied compounds, boiling at various temperatures. They are cheaper and more effective denaturants than the pure pyridine.]

D. S. 1.

*Depôt licence granted to Wholesale Dealers in Denatured and Methylated Spirits.*

I, \_\_\_\_\_, Collector, Civil and Military Station of Bangalore, hereby license you \_\_\_\_\_ to establish a depôt at \_\_\_\_\_ in the Civil and Military Station of Bangalore for the wholesale vend of denatured and methylated spirits during the year ending 31st March \_\_\_\_\_, subject to the following conditions to be observed by you.

CONDITIONS.

The licensee shall be bound by the rules governing the preparation, possession and sale of denatured and methylated spirit as notified by the Hon'ble the Resident in Mysore from time to time.

2. The licence extends only to the wholesale vend of denatured or methylated spirit, *i.e.*, spirit which has been rendered effectually unfit for human consumption by the admixture of light caoutchoucine and pyridine bases or wood naptha as the case may be in accordance with the rules framed on the subject, to holders of licenses in form D. S. 2, D. S. 3, D. S. 4 or D. S. 5.

3. The spirit shall be sold only in casks or jars as received from the distillery with seals intact. The quantity of spirit issued at any one time shall not be more than 150 gallons of denatured spirit or 20 gallons of methylated spirit.

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4. An account of the daily transactions under this licence shall be kept in the following form.

| Date. | In hand.      |           | Receipts.   |   |               | Total in hand and received. |              | Issues.   |                                |                |               | Total issued. |               | Balance.  |               | Remarks.  |
|-------|---------------|-----------|---|---|---------------|-----------------------------|--------------|-----------|--------------------------------|----------------|---------------|---------------|---------------|-----------|---------------|-----------|
|       | No. of casks. | Quantity. | From what Distillery with No. and Date of permit. |   | No. of casks. | Quantity.                   | No. of cask. | Quantity. | Name and address of purchaser. | No. of permit. | No. of casks. | Quantity.     | No. of casks. | Quantity. | No. of casks. | Quantity. |
| 1     | 2             | 3         | 4   | 5 | 6             | 7                           | 8            | 9         | 10                             | 11             | 12            | 13            | 14            | 15        | 16            | 17        |
|       |               | Gals.     |   |   | Gals.         |                             | Gals.        |           |                                |                | Gals.         |               | Gals.         |           | Gals.         |           |

Dated the                      day of                      19                      .

Collector.

D. S. 2.

*Licence for the sale of denatured spirit.*

I,                      Collector, Civil and Military Station of Bangalore,  
hereby license you                      to sell denatured spirit at your  
shop at                      during the year ending 31st March                      ,  
subject to the following conditions to be observed by you.

CONDITIONS.

The licensee shall be bound by the rules governing the preparation, possession and sale of denatured spirit as notified by the Hon'ble the Resident in Mysore from time to time.

2. The licence extends only to the sale of denatured spirit, which means spirit which has been rendered effectually unfit for human consumption by the admixture of light caoutchoucine and pyridine bases in accordance with the rules prescribed on the subject.

3. The licensee may procure his supplies of denatured spirit either by direct importation or by purchase from the holder of a licence in form D. S. 1 or D. S. 2.

4. The quantity possessed at any one time under this licence shall not exceed \*                      gallons.

Dated the                      day of                      19                      Collector.

D. S. 3.

*Licence for possession and use of denatured spirit by varnish makers and others.*

I,                      , Collector, Civil and Military Station of Bangalore, hereby license you                      residing at                      to possess denatured spirit for use in the manufacture of                      during the year ending 31st March                      , subject to the following conditions to be observed by you.

CONDITIONS.

1. The licensee shall be bound by the rules governing the preparation, possession and sale of denatured spirit as notified by the Hon'ble the Resident in Mysore from time to time.

2. The licence extends only to the possession and use of and not to the sale of denatured spirit, i.e., spirit rendered effectually unfit for human consumption by the admixture of light caoutchoucine and pyridine bases in accordance with the rules prescribed on the subject.

3. The licensee may procure his supplies of denatured spirit whether by direct importation or by purchase from the holder of a licence in form D. S. 1 or D. S. 2. He shall not possess at any one time more than \*                      gallons of denatured spirit.

Dated the                      day of                      19                      Collector.

D. S. 4.

*Licence granted to a Railway Company for the storage and use of denatured spirit.*

I,                      , Collector, Civil and Military Station of Bangalore, hereby license you                      to store at                      denatured spirit for use in the manufacture of                      and to distribute it to the Stations on your railway named herein for use in                      , during the year ending 31st March                      , subject to the following conditions to be observed by you.

\* To be filled in by the Collector according to circumstances.

CONDITIONS.

1. The licensee shall be bound by the rules governing the preparation, possession and sale of denatured spirit as notified by the Hon'ble the Resident from time to time.

2. The licence extends only to the storage and use of denatured spirit, *i.e.*, spirit rendered effectually unfit for human consumption by the admixture of light caoutchoucine and pyridine bases in accordance with the rules prescribed on the subject.

3. The licensee may procure his supplies of denatured spirit, either by direct importation or by purchase from the holder of a licence in form D. S. 1 in quantities not exceeding 150 gallons at any one time.

4. No transport of denatured spirit in excess of one gallon to an out-station shall be allowed unless it is covered by a permit in form D. S. 6.

5. Accounts of the daily transactions under this licence together with the licence, permits and stock of spirits shall be produced immediately on demand for inspection by any Excise Officer of not lower rank than a Sub-Inspector.

Dated the                      day of                      19                      Collector.

D. S. 5.

*Licence for possession and sale of methylated spirit by chemists and others.*

I,                      , Collector, Civil and Military Station of Bangalore, hereby license you                      residing at                      to possess and sell methylated spirit during the year ending 31st March                      , subject to the following conditions to be observed by you.

CONDITIONS.

1. The licensee shall be bound by the rules governing the preparation, possession and sale of denatured spirit as notified by the Hon'ble the Resident in Mysore from time to time.

2. The licence extends only to the possession and use of methylated spirit, *i.e.*, spirit rendered effectually unfit for human consumption by the admixture of wood naphtha in accordance with the rules prescribed on the subject in the preparation of medical compounds for which such spirit is prescribed and to the sale of the same up to a maximum of one-reputed quart at a time.

3. The licensee may procure his supplies by importation with the special sanction of the Collector in each case or from a licensed distillery or depôt in quantities not exceeding 20 gallons at a time.



*Brewery rules.*

No. 67, dated the 13th November, 1907.—In exercise of the powers conferred upon him by section 9 (d) (e) (f) of the Excise Act, 1896 (XII of 1896),<sup>1</sup> as in force in the Civil and Military Station of Bangalore, the Hon'ble the Resident in Mysore is pleased to make the following rules for the working and supervision of breweries in the said Civil and Military Station in supersession of the rules issued under his notification No. 10, dated the 11th March 1907:—

1. In these rules, unless the contrary appears from the context, "Collector" means the Collector of the Civil and Military Station of Bangalore.

2. Any person desirous of obtaining a license for a brewery shall apply to the Collector through the Superintendent of Excise, Civil and Military Station, Bangalore. The application shall be accompanied by a treasury receipt for Rs. 15 and a full description (hereinafter called an entry) of his premises and utensils, in which the purpose of, and the distinguishing mark on each room, place and vessel, shall be clearly specified. The entry will be checked either by the Superintendent of Excise or some other officer authorised to inspect breweries, who will certify to the fact if he finds it correct, and submit it with the brewer's application, the treasury receipt and his remarks to the Collector, who will, if satisfied with the entry and that the applicant is a fit person to receive a license, recommend the issue of a license and the Resident will, if he thinks fit, issue a license accordingly.

NOTE.—Persons desirous of constructing new buildings or equipping already existing buildings to be used as breweries are advised, before commencing the work, to submit plans of the buildings and descriptions of the plant they propose to put up to the Collector through the Excise Superintendent for approval. Any alterations and additions suggested by the latter officer should be duly attended to, since persons neglecting to comply with such suggestions will run the risk of being refused a brewery license.

3. An officer (hereinafter called the Surveying Officer) will be appointed by the Collector to take account of all the operations in the brewery, and it shall be competent for him or for any other officer authorised to inspect breweries, to enter the building and visit and examine any room, place or utensil mentioned in the entry at any time either by day or night.

4. Licenses shall be in such form and for such period as the Resident may from time to time prescribe\* and may be renewed. Each applica-

<sup>1</sup> See now the Excise Regulation, 1915, as applied by Notification No. 261-I, dated the 24th April, 1929, *supra*, p. 39.

\* License for the manufacture and wholesale vend of beer in the breweries at the Civil and Military Station of Bangalore.

|                           |   |   |   |
|---------------------------|---|---|---|
| Registered No. of License | . | . | . |
| Name of Brewer            | . | . | . |
| Locality of Brewery       | . | . | . |

I, \_\_\_\_\_, Collector of the Civil and Military Station of Bangalore, being duly authorised by the Resident in Mysore under the provisions of the Excise Act,

tion for renewal shall be made to the Superintendent of Excise at least one month before the expiration of the license and shall be accompanied by a treasury receipt for Rs. 15. A copy of the entry shall also be filed unless there has been no change in either the buildings or the plant since the issue of the previous license, in which case it will suffice if the Surveying Officer endorses that fact upon the application. The Superintendent of Excise will submit the application with its enclosures to the Collector for orders.

5. All mash-tuns, underbacks, coppers, coolers, fermenting and racking or setting vessels shall be so placed and fixed as to admit of the contents being accurately gauged and measured. Before being taken into use all such vessels shall be gauged jointly by the Superintendent of Excise and the Surveying Officer under the rules in force for gauging such vessels, and tables shall be constructed showing the total capacity of each vessel in imperial gallons (in the case of mash-tuns in imperial bushels) and its capacity for each tenth of an inch in depth. These tables before being taken into use shall be certified by the brewer or his accredited agent to be correct.

6. The name, or an abbreviation thereof, of each room or vessel shall be conspicuously painted thereon, and where more than one room or vessel is used for the same purpose they shall be distinguished by progressive numbers. Any room or vessel entered for a specific purpose shall be used for that purpose solely.

7. No alteration shall be made in the position or capacity of any gauged vessel without previous sanction in writing having been obtained from the Surveying Officer or his superior officer; and before any vessel so altered can be again taken into use it shall be re-gauged and new

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XII of 1896, as in force in the said Station, in consideration of the receipt of a fee of Rs. 15, hereby license you trading as to brew beer in the Civil and Military Station of Bangalore and to sell the same by wholesale during the year ending 31st March 19 , subject to the following conditions to be observed by you, the said licensee.

CONDITIONS.

1. You shall be bound by the general conditions applicable to all Excise licenses as notified by the Resident in Mysore from time to time, so far as they concern you and by the following conditions which are special to brewery licenses.

2. You shall observe and keep all the rules applicable to breweries contained in the notification of the Hon'ble the Resident in Mysore under date the 11th March 1907, issued under the Excise Act, XII of 1896, and any other Law for the time being in force and relating to the Excise revenue.

3. You shall not manufacture or sell any liquor of any description other than beer brewed by you under this license, unless a separate license be granted to you.

4. Each hogshead of beer manufactured by you shall be brewed with at least two bushels of malt and two pounds of hops and the quality of all such beer shall be to the satisfaction of the Resident:

Provided that, in the brewing of country beer, spent hops (not more than 24 hours old) or spent hops and hop substitutes may be employed to displace half the amount of unused hops: 2½ pounds of spent hops being taken as equivalent to one



tables shall, if necessary, be constructed. In the absence of the Superintendent of Excise and to avoid delay, such re-gauging shall be effected by the Surveying Officer and such other officer as the Collector may direct, their results being checked by the Superintendent of Excise on his next visit to the brewery.

8. Where beer is stored in casks which are used exclusively for storing beer and not for issue from the brewery, such casks shall be numbered consecutively and each shall have marked on both heads its number and capacity which shall also be entered in a register to be kept by the brewer in a form prescribed by the Resident. Any cask removed for repair or re-coopering shall be re-gauged before being again taken into use and, if the capacity has been affected, a new entry shall be made in the cask register. Each storage and issuing cask shall have the particular designation of the gyle from which it was racked (and no other) marked upon it, but when any cask can only be partially filled with the beer of one gyle and the beer of another gyle is added to fill it up, the number of each gyle and of the gallons racked from each shall be shown upon it so that the original gravity of the mixture can be determined.

9. The Surveying Officer will be provided departmentally with proper gauging rods and a standard saccharometer and thermometer. If the brewer questions the correctness of the instruments or the results obtained by the officer, he must immediately put in a written protest which will be forwarded with his remarks by the officer to the Superintendent of Excise who will, after due enquiry, report the matter to the Collector for orders.

10. Each licensed brewer shall keep in some part of the brewery, previously approved by the Collector, a brewing book in such form as the Resident may prescribe. This will be supplied to him by the Surveying Officer, and it shall be accessible by day or night to all officers authorised to inspect the brewery. In this book the brewer or some responsible

pound of unused hops and one pound of optanin (hop substitute) as displacing 75 lbs. of spent hops.

5. You shall be bound, on payment of the value in legal tender or on security for such value being given, to supply country beer (i.e., beer which satisfies the conditions laid down in paragraph 4 of this license and in the manufacture of which crude sugar is used) at a price not exceeding Rs. 30 per hogshhead exclusive of duty—to all persons licensed to sell such beer. Applicants shall be entitled to have country beer of good quality issued to them in the order of their applications and with all reasonable despatch. All complaints as to the quality of the beer supplied will be disposed of by the Resident in Mysore whose decision shall be final.

6. You shall not sell beer to any one person at any one time in a smaller quantity than four gallons. Native beer can be issued only to licensed vendors, regimental canteens, and the Supply and Transport Corps.

7. In default of payment of the duty payable by you on the beer brewed in your brewery on the dates on which it falls due, interest will be charged at 6 per cent. per annum, and such interest and arrears may be recovered under the Law for the time being in force for the recovery of the arrears of Land Revenue.

8. You shall submit for the approval of the Collector the names of persons employed by you as managers and brewers and no persons not thus approved shall be permitted to act in these capacities.

person employed by him, whose name has been previously approved by the Collector, shall correctly enter the particulars of each brewing. The book shall not be in any way defaced or mutilated and the loss of it will entail immediate suspension of the brewer's license and if, on enquiry, the explanation of the brewer is unsatisfactory, his license may be cancelled.

11. The brewer shall enter in the proper columns at least 24 hours before beginning to mash malt or grain or to dissolve sugar the day and hour of brewing with the date and hour of making the entry, and at least six hours before the time entered for mashing or dissolving he shall enter separately in the proper columns the quantities of malt or unmalted corn and of sugar or glucose to be used and the hour when all the worts will be drawn off the grains in the mash-tun. He shall also enter in the appropriate columns the dip and gravity of the worts collected, the number and description of the vessel or vessels in which they have been collected and the date and hour of the entry. Such entry shall be made within one hour after the collection has been completed or, if the worts be not collected before 6 P.M., the entry shall be made before 8 next morning. If fermentation has started before the requisite entry has been made, the brewer shall enter the true original gravity of the worts. Each entry shall be initialled by the brewer or his agent.

12. Beer shall be brewed from good materials and its quality shall be such as to satisfy the Resident. No beer shall be brewed which does not contain at least two bushels of malt to every hogshead, and the original specific gravity of the wort shall in no case exceed 1073°. Nothing shall be added to beer after it has been racked and removed to a beer store, except things or other material approved by the Collector. Beer in beer stores must not be diluted and any beer found in store which has been either diluted or in any way adulterated shall be liable to forfeiture. The forfeiture of the beer will not relieve the brewer from the penalty of fine or cancellation of license under rule 21.

13. Officers surveying breweries shall, on every day on which they visit a brewery, make a complete survey of the whole of the brewery plant showing in the proper columns in a survey book, the form of which will be prescribed by the Resident, the condition of each vessel and the

9. You shall be bound by such departmental orders concerning breweries as may be issued by the Resident in Mysore from time to time.

10. The infraction of any of the conditions of this license either by you or by any person in your employment may entail on you (i) a fine which may extend up to Rs. 50 or (ii) the suspension or cancellation of your license or (iii) both.

Granted this                      day of                      19                      .

Collector,  
Civil and Military Station, Bangalore.

[Resident's order No. 2209, dated the 11th March 1907, as subsequently amended.]

dip and gravity of each vessel containing fermenting wort unless such wort shall be fining, when, except in case of suspicion of fraudulent addition of saccharine matter or of addition or removal of wort, the surface need not be broken. A copy of each survey will be made in a similar book and left at the brewery for the information of the brewer.

14. Each brewer shall keep a stock account in such form as may be prescribed by the Resident in which he shall daily enter the quantity of beer actually brewed by him, the allowance for wastage at 5 per cent., the net quantity, the quantity issued and the person to whom issued. Each issue to any place within the Civil and Military Station of Bangalore shall be accompanied by a permit, the counterfoil of which shall be retained in the permit book. Permits shall be consecutively numbered, and before any permit book is taken into use it shall be examined by the Surveying Officer who will certify as to its correctness. No brewer is allowed to issue permits for consignments of beer to be exported to places outside the Civil and Military Station of Bangalore. Application for such permits should be made to the Superintendent of Excise who, if he sees no reason to the contrary, will grant the permit which must accompany the consignment and send a letter of advice to the brewer. All such letters of advice and counterfoils of permits issued by the brewer must be retained for at least a year. The stock book will be checked at least once in each week by the Surveying Officer, the quantities brought into it being compared with those entered in his survey book and the issues with the counterfoils of the permits issued, with the letters of advice from the Superintendent of Excise, if any, and with the certificates granted by the officers of the department to whom beer has been issued on the public service.

15. No entry in any of the books kept by a brewer under these rules shall be erased or overwritten. Should it be necessary to correct any entry, a line should be drawn through the incorrect entry in such a manner as to leave it distinctly visible and the amended entry should be inserted above it. Every correction shall be initialled by the person making it at the time and by the Surveying Officer in his next inspection of the book. Merely clerical or arithmetical errors need not be specially noticed, but in the case of errors, which cannot be so classed, the explanation of the brewer should be obtained and submitted to the Superintendent of Excise with the Surveying Officer's remarks.

16. Samples of wort in any stage of fermentation or of stored beer may be taken for analysis without payment by the Surveying Officer or any other officer authorized to inspect breweries. Samples of wort during fermentation should be taken by the Surveying Officer at least once in each quarter in accordance with such instructions as the Resident may issue and the Excise Superintendent should have them analysed. On any other occasion on which samples are taken either of wort or beer,

the officer taking them should submit a special report through the Superintendent of Excise to the Collector explaining the reasons for sampling and the nature of the analysis required. Samples of brewing materials will only be taken if called for by the Collector. When however there is a large discrepancy between the quantity of malt or unmalted corn entered in the brewing book and that of the grains in the mash-tun, a sample of the grain should be taken and at once sent for analysis, together with a report giving a copy of the entry in the brewing book, the dip of the grains in the mash-tun, the quantity represented by the dip and the percentage of increase or decrease. On this report and after examination of the sample, the Collector will pass such orders as he thinks fit.

17. The stock of beer in every brewery will be taken at least twice in each year by the Superintendent of Excise or such other officer as the Collector may direct and the results reported to the Collector. Stock may be taken at other times by the Surveying Officer or other officer superior to him and shall be taken at once if there is any suspicion of fraudulent practices. On each such occasion the officer taking stock will immediately report the result to the Collector with his reasons for taking stock. The explanation of the brewer for any excess or deficiency exceeding one per cent. found in stock should be obtained before the report is submitted. The Collector will pass orders whether any, and if so, how much duty shall be claimed in regard to such excess or deficiency.

18. The Superintendent of Excise after careful examination of all the books will submit to the Collector at the end of each quarter an account showing the quantity of beer actually brewed, less five per cent. allowed for wastage, and the duty thereon calculated at the rate of [four annas and a half] per imperial gallon or at such other rate as may be prescribed by the Government. On this account the Collector will pass orders as to the amount of duty to be paid. Beer issued to the Supply and Transport Department in the public service, for which certificates have been granted by the officers of that department, should be deducted from the net quantity brewed during the quarter before calculating the duty.

19. The brewer shall pay the duty demanded into the Resident's Treasury within five days of the receipt of advice of its amount. Interest at 6 per cent. per annum will be calculated upon all sums overdue at the date of payment. The Treasury Officer will grant a receipt to the brewer for all such payments and send a letter of advice to the Superintendent of Excise who will notify the payment to the Collector.

20. If a brewer objects to the amount of duty demanded from him he may move the Collector to revise the charge. But no revision will be

<sup>1</sup> Substituted by Notification No. 22, dated the 7th April, 1916. *Myers's Residency Orders*, 1916, Pt. I, p. 166.

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undertaken unless and until all sums demanded under rule 18 have been paid. In the event of the original charge being found incorrect any excess levied from him will be refunded to the brewer, and if the amount claimed from him is found to be less than that actually due he will be called upon to pay the difference at once into the Resident's Treasury. The brewery buildings shall be security for any duty which may become overdue.

21. In case of any breach of these rules or of the conditions of the license either by the brewer or by any person in his employment, it shall be competent for the Collector to impose a fine not exceeding Rs. 50 for each such breach or to suspend or recommend the cancellation of the license.

22. The imposition of a fine or the suspension or cancellation of the license under the last preceding rule shall not be held to prevent the prosecution of any person for any offence which he may commit against the provisions of the Excise Act XII of 1896 or other law for the time being in force. If on such prosecution before a Magistrate a brewer be convicted, it shall be lawful for the Collector to declare his license forfeited.

23. On a date to be fixed by the Collector, subsequent to the date on which these rules come into force, stock will be taken at all existing breweries. Duty, at the rate for the time being in force, will be claimed on all beer then found, less a five per cent. allowance for wastage, and a date or dates will be fixed by which all the duty so claimed must be paid into the Resident's Treasury.

24. Brewers shall be bound by all additional rules for the control of breweries which may hereafter be prescribed under the existing excise law or under any law which may hereafter be enacted and by all special orders issued by the Resident with regard to individual breweries and shall cause all persons employed by them in their breweries to obey all such rules.

[*Gazette of India*, 1907, Pt. II, p. 1702.]

*Rules for the management of the Government warehouse for spirits.*

No. 432, dated the 26th January, 1904.—In exercise of the powers conferred by section 32A (3) of the Excise Act, 1896 (XII of 1896),<sup>1</sup> as applied to the Civil and Military Station of Bangalore, the Resident in Mysore is pleased to make the following rules for the management of

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<sup>1</sup> See now the Excise Regulation, 1915, as applied by Notification No. 261-I, dated the 24th April, 1920, *supra*, p. 39.

the Government warehouse established in the said Station for the storage therein and the supply therefrom to the licensed shops in the Station, of spirits.

1. The warehouse shall be in charge of the Superintendent of Excise or such other officer as the Resident may appoint. Such officer shall perform his duties under the general superintendence of the Collector and subject to the control of the Resident.

2. No spirits shall be received into the warehouse unless accompanied by a permit granted in such form as the Resident may prescribe.

3. A licensed vendor desiring to procure spirits from the warehouse shall tender the duty and cost price thereof, as fixed from time to time, to the officer appointed to receive such payments, together with a chalan in such form as the Resident may prescribe. Such officer will, after satisfying himself that the applicant is a licensed vendor, grant him a receipt. The licensed vendor shall then apply to the officer in charge of the warehouse, producing at the same time the said receipt and a permit-book in such form as the Resident may prescribe. The officer in charge will, after assuring himself that the cost price and duty have been correctly levied, issue the spirits applied for and grant a permit in the prescribed form authorizing the removal of the same to the licensed vendor's shop.

[*Gazette of India*, 1904, Pt. II, p. 129.]

*Detailed rules for the management of the Government warehouse for spirits and intoxicating drugs.*

No. 2990, dated the 8th April, 1908.—In supersession of this office order No. 1893, dated the 7th April 1904, the Resident in Mysore is pleased to issue the following instructions for the working of the Government Warehouse established in the Civil and Military Station of Bangalore, for the storage therein and supply therefrom, to the licensed shops in the Station, of spirits and intoxicating drugs. These instructions will take effect from 1st April 1908.

1. One of the Sub-Inspectors of the Excise Department shall, under the orders of the Superintendent of Excise, be in immediate charge of the Warehouse.

2. The Warehouse shall be opened at 7 A.M., and shall be closed at 12 noon, except on Sundays and other authorized holidays when it shall be closed unless otherwise directed by the Superintendent of Excise.

3. The Superintendent of Excise is authorized to grant permits in form 1 A. for the importation of spirits into the Civil and Military Station from the Mysore Government Distillery at Bangalore.

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4. For supplies of spirits, the Superintendent of Excise shall send to the officer in charge of the Mysore Government Distillery an indent in form 2 A. together with the permit granted for the import of the consignment into the Civil and Military Station.

5. For supplies of intoxicating drugs, the Superintendent of Excise shall send to the officer of the Madras Government appointed for the purpose an indent in form 1 I.D., who will arrange for compliance with this indent.

6. The consignment of spirits shall be accompanied by a pass in form 3 A. from the officer in charge of the Mysore Government Distillery, and each cask will be sealed by that officer. On receipt of the consignment indented for the officer in charge of the Warehouse shall compare the contents as entered in the pass with the details printed on the casks in which they are contained. The seals also shall be examined. Discrepancies or other irregularities shall at once be entered on the reverse of the pass and in the officer's diary and a report shall also be made to the Superintendent of Excise. The date and hour of the receipt of the consignment shall also be entered on the reverse of the pass. An impression of the seal used by the officer in charge of the Mysore Government Distillery shall be kept at the Warehouse.

7. The consignment of intoxicating drugs shall be accompanied by the necessary permit issued under the rules in force in the Madras Presidency. The consignment shall on arrival be verified by the officer in charge of the Resident's Treasury and the permit which accompanied it returned to the Store House Officer with the necessary entries made on its reverse.

8. All spirits or intoxicating drugs shall be kept in the store-room provided for the purpose in the casks or boxes in which they are received. The room shall be secured by an Abkari lock, one key of which shall be kept by the officer in charge and the other by the Superintendent of Excise.

9. The shroff at the Warehouse is authorized to receive payments of duty and cost price from licensed vendors desiring to purchase  $\frac{\text{spirits}}{\text{intoxicating drugs}}$  from the Warehouse. The challan to be presented by such vendors shall be in form  $\frac{5 \text{ A.}}{3 \text{ I. D.}}$ . The shroff shall grant receipts in form  $\frac{6 \text{ A.}}{4 \text{ I. D.}}$ . The vendors will then submit an application in form  $\frac{7 \text{ A.}}{5 \text{ I. D.}}$  to the officer in charge, producing the shroff's receipt and a permit book in form  $\frac{8 \text{ A.}}{6 \text{ I. D.}}$ . Requisitions for issue of  $\frac{\text{spirits}}{\text{intoxicating drugs}}$  to several

CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Orders 725  
under Acts locally applied.)

shops may be submitted on one application so long as the shops belong to one and the same licensed vendor.

10. Prior to the issue of  $\frac{\text{spirits}}{\text{intoxicating drugs}}$  the officer in charge of the Warehouse shall enter the number of the receptacle from which the issue is to be made and the reputed quantity and, in the case of spirits, the strength of its contents in a register to be maintained for that purpose in form  $\frac{4 \text{ A.}}{2 \text{ I. D.}}$ . A record of issues as they are made shall be maintained, and the total actual contents as ascertained shall be entered in the register as also the wastage or excess as compared with the reputed contents. In the event of the wastage exceeding 1 per cent. of the reputed contents, an immediate report shall be made through the Superintendent of Excise to the Collector, who, if satisfied that the wastage is due to accident or unavoidable causes, may order the amount to be written off the Warehouse accounts; otherwise he shall refer the matter for the orders of the Resident.

11. No smaller quantity of  $\frac{\text{spirits}}{\text{intoxicating drugs}}$  than  $\frac{\text{one imperial gallon}}{\text{one seer}}$  shall be issued from the Warehouse at any one time.

12. On each cask used at the Warehouse for the conveyance of spirits from the Mysore Government Distillery the contents in gallons, the consecutive number of the cask according to the register and the letters "C. and M. Warehouse" shall be legibly cut or branded or marked in oil paint. If a cask is taken to pieces for repairs or for purposes of easy transport it need not be re-gauged, unless on checking the bung capacity, the diameters and length which shall always be done, a difference exceeding 1 per cent. be found in which case it shall be re-gauged.

13. A guard shall be maintained at the Warehouse the strength of which shall ordinarily be two peons. The Superintendent of Excise shall, when collections are kept in the cash chest of the Warehouse, arrange for an extra guard to watch over the cash chest.

14. The use of uncovered lights of any description within the Warehouse is prohibited.

15. All measures and weights used at the Warehouse shall from time to time be inspected and gauged by the Superintendent of Excise or his Assistant, and whenever this is done the result shall be recorded by the inspecting officer in the Warehouse diary [*vide* Rule 21 (g)].

16. The Superintendent of Excise and his Assistant shall inspect the Warehouse as frequently as possible without previous notice being given.

17. Except with the permission of the Superintendent of Excise, or other superior officer, no one except officers of the Excise Department



and the superior officers of other Government Departments, licensees and their servants who come to purchase intoxicating drugs or spirits shall enter the Warehouse on any pretext whatever.

18. All persons entering the Warehouse shall be subject to the control of the officer in charge in respect of their conduct and proceedings within the Warehouse and shall be liable to search on their quitting the premises at the discretion of the officer in charge.

19. The officer in charge of the Warehouse may eject from the premises any person whom he may find to have committed or to be about to commit any breach of these rules, or of the provisions of the Excise Act, 1896, or who may be intoxicated, riotous or disorderly.

20. All forms which licensees of excise shops are required to use under the rules issued by competent authority shall be supplied to them by the officer in charge of the Warehouse on payment of such price as may be fixed by the Collector at as near the cost price as possible.

21. The following registers and account shall be maintained in the Warehouse in the forms appended to these Rules:—

(NOTE.—The letter “A” denotes arrack series “and letters I. D.” denote intoxicating drug series.)

(a) Form  $\frac{4 A.}{2 I. D.}$  (Register of  $\frac{\text{spirits}}{\text{intoxicating drugs}}$  received into and issued from the Warehouse).—The Register in form 4 A. contains columns for noting the strength of spirits. In column 5 of this form the officer in charge of the Warehouse shall enter the strength of spirit contained in the cask opened, ascertained by him prior to issue (*vide* also rule 10).

(b) Form  $\frac{9 A.}{7 I. D.}$  (Detailed account showing the quantity of  $\frac{\text{spirits}}{\text{intoxicating drugs}}$  sold daily).—The officer in charge of the Warehouse shall maintain an account in this form which must be written up at the close of each day's transactions and must be compared by him with the shroff's collections on account of spirits and intoxicating drugs for the day as entered in the latter's cash-books, with the totals of which it should tally. If he finds that the totals of the figures tally with the shroff's cash account, he shall initial the latter account in token of its being correct. Should he find any discrepancy that cannot be accounted for, he shall at once report the fact to the Superintendent of Excise. A copy of this account shall be submitted daily to the Collector through the Superintendent of Excise.

(c) Form  $\frac{10 A.}{8 I. D.}$  (Challan for payment of money into the Resident's Treasury).—The shroff shall at the close of each day's transaction pay the total collections into the Resident's Treasury. The remittance shall be accompanied by duplicate challans in this form. There shall be separate challans in respect of collections on account of spirits and intoxicating

drugs and in the case of each of these also there shall be separate challans for the cost price of the excisable articles and for the duty collected thereon. All challan shall be checked and initialled by the officer in charge of the Warehouse. On receipt of the remittance one copy of each challan shall be signed by the Treasury Officer in token of the receipts of the remittance and the duplicate shall be retained by him. Should the treasury be closed on account of some gazetted holiday or otherwise, the collections shall be kept in the cash chest at the Warehouse, one key of which shall be kept by the shroff and the other by the officer in charge of the Warehouse. As soon as the treasury re-opens necessary remittances shall be made.

(d) Form  $\frac{11 A.}{9 I. D.}$  (Abstract Account of total daily receipts and sales with stock and cash account).—The officer in charge of the Warehouse shall keep an abstract account of the total daily receipts and sales of spirits and intoxicating drugs in this form. He shall write it up daily. At the close of each month the totals shall be filled up and an extract of the account in the same form shall be submitted to the Collector through the Superintendent of Excise on or before the 5th of the following month, together with the original permits covering the amount of excisable articles received during the month, and the applications in form  $\frac{7 A.}{6 I. D.}$  and the shroff's receipts in form  $\frac{6 A.}{4 I. D.}$  for the amount of duty and cost price collected on all issues during the month. Every entry in form  $\frac{11 A.}{9 I. D.}$  must be checked by the Superintendent of Excise or his Assistant with other Warehouse accounts and must bear the initial of the checking officer in token of its being correct. The extract shall also be checked in the Collector's Office with its enclosures. The Collector shall also obtain from officers concerned duplicates of the permits which shall be checked with the permits received from the Warehouse. The account submitted by the Treasury Officer of collections received from the Warehouse during the month shall also be compared in the Collector's Office with the particulars of remittances made as entered in form  $\frac{10 A.}{8 I. D.}$ .

(e) Form  $\frac{12 A.}{10 I. D.}$  (Shroff's cash book).—The shroff shall keep separate cash accounts in these forms on account of spirits and intoxicating drugs.

(f) Form  $\frac{13 A.}{11 I. D.}$  (Register of receptacles used in the Warehouse for storage and transport of  $\frac{\text{spirits}}{\text{intoxicating drugs}}$ ).—Every cask or box used in the Warehouse shall bear a consecutive number and shall be entered in this register. In the case of casks as such measurements may be useful for reference though not absolutely correct, the capacity by the gauging rod, the diameters and the length shall as far as possible be taken and recorded

in this register, as also its exact contents as ascertained by actual measurement with spirits or water. All entries in this register shall be dated and initialled by the officer making them.

(g) *Form 12—(Warehouse diary).*—The officer in charge of the Warehouse shall keep a diary in this form in which he shall record at the time and in ink the exact hours of his daily arrival at and departure from the Warehouse, of his opening and closing of the same, of the receipt and removal of spirits and intoxicating drugs. He shall also record herein all action taken by him under the Warehouse rules. He shall also keep a full record of the use made of lock tickets. The shroff shall enter in this diary the exact hour of his daily arrival at the Warehouse. Superior officers inspecting the Warehouse should initial the diary after entry of such remarks as they find necessary, and should append to their initials the date and hour of their visit.

(h) *Form 13—(Duty Roster).*—The register must show the date and hour on which each peon shall be on duty, and be filled in daily by the officer in charge and read over to the guard.

(i) *Form 14—(Register of store articles).*—A list of all articles used at or in connection with the Warehouse shall be maintained by the officer in charge in this form.

22. Payment for the cost price of spirits supplied to the Warehouse shall be made in the following manner:—

- (i) A bill for the cost price of the spirits supplied to the Warehouse shall be submitted by the manufacturers to the Superintendent of Excise, once a fortnight.
- (ii) On receipt of the bill the Superintendent of Excise or his Assistant shall check it with the Warehouse accounts, and having ascertained that the amount of the bill is correct shall certify to the following effect on the bill:—

“ Certified that I have personally checked this bill with the Warehouse accounts and found that the amount of the same (rupees in words) is correct.”
- (iii) Should the bill submitted be found to be incorrect it shall at once be returned to the manufacturers for amendment.
- (iv) The Collector shall on receipt of the bill from the Superintendent of Excise have it checked in his office and then pass it for payment at the Hon'ble the Resident's Treasury.

23. Payment for the cost price of intoxicating drugs including the cost of transport shall be effected by means of a remittance transfer receipt obtained from the Resident's Treasury, Bangalore, the amount thereof being placed at the disposal of the Store House Officer concerned.

CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Ord.: 20  
under Act: locally applied.)

## Form No. 1 A.

Permit for the import of Arack  
from the Mysore Government  
Distillery into the C. & M.  
Station of Bangalore.

Permit for the import of Arrack  
from the Mysore Government  
Distillery into the C. & M.  
Station of Bangalore.

**N.B.**—The permit should be issued in duplicate. One copy to be filed in the Mysore Government Distillery and the other to accompany the consignment.

N.B.—The permit should be issued in duplicate. One copy to be filed in the Mysore Government Distillery and the other to accompany the consignment.

| 1                            | 2                                   | 3   | 4  | 5        |
|------------------------------|-------------------------------------|---|--|----------|
| Name of<br>permit<br>holder. | Quantity.<br><br>Gallons,<br>Drams, | Place of<br>despatch for which<br>and<br>route. | Period<br>for which<br>permit<br>is valid. | Remarks. |
|                              |                                     |   | From<br>To                                 |          |

C. & M. STATION, BANGALORE.

***Dated***

*Superintendent of Excise.*

[illegible]

C. & M. STATION, BANGALORE.

*Dated*

Superintendent of Drive.

FORM No. 2 A.

No.                      Dated                      19 .      No.                      Dated                      19 .

FROM

THE SUPERINTENDENT  
OF EXCISE,  
*Civil and Military Station,  
Bangalore.*

To

THE OFFICER IN  
CHARGE OF  
BANGALORE  
DISTILLERY.

SIR,

I have the honour to request that  
you will supply me with  
casks of                      under-proof  
liquor.

2. The import permit prescribed  
by the rules in force in the Civil  
and Military Station, is enclosed.

I have, etc.,

*Superintendent of Excise.*

*Endorsement to be printed on  
the back of this form.*

FROM

THE SUPERINTENDENT  
OF EXCISE,  
*Civil and Military Station,  
Bangalore.*

To

THE OFFICER IN  
CHARGE OF  
BANGALORE  
DISTILLERY.

SIR,

I have the honour to request that  
you will supply me with  
casks of                      under-proof  
liquor.

2. The import permit prescribed  
by the rules in force in the Civil  
and Military Station, is enclosed.

I have the honour to be,

Sir,

Your most obedient servant,

| No.<br>(TO BE SUBMITTED TO THE<br>COLLECTOR.)  |  |           |        | No.<br>(TO ACCOMPANY THE CON-<br>SIGNMENT.)  |  |           |        |
|--|--|-----------|--------|--|--|-----------|--------|
| Pass for the transport of liquor to<br>the Excise Warehouse in the Civil<br>and Military Station of Bangalore.<br>Name of cartman or carrier<br>Time allowed for transit |  |           |        | Pass for the transport of liquor to<br>the Excise Warehouse in the Civil<br>and Military Station of Bangalore.<br>Name of cartman or carrier<br>Time allowed for transit |  |           |        |
| 1  | 2  | 3         | 4      | 1  | 2  | 3         | 4      |
| Number of<br>cask.   | Description<br>and strength<br>of spirits. | QUANTITY. |        | Number of<br>cask.   | Description<br>and strength<br>of spirits. | QUANTITY. |        |
|  |  | Gallons.  | Drams. |  |  | Gallons.  | Drams. |
| REMARKS.   |  |           |        | REMARKS.   |  |           |        |
|  |  |           |        |  |  |           |        |
| Excise Officer issuing liquor.   |  |           |        | Excise Officer issuing liquor.   |  |           |        |
| Dated 19 .   |  |           |        | Dated 19 .   |  |           |        |

*Excise Officer issuing liquor.*

ENDORSEMENT.

Produced by at the Excise   
 Warehouse on 19 at A.M., compared   
 with the details painted on the casks and the   
 seals, etc., on the casks examined and found to   
 be correct. Contents received and bottled.

*Sub-inspector in charge of the Excise Warehouse.*   
 Submitted to the Collector. Checked.

*Superintendent of Excise.*

*Register of spirits received and issued from each cask in the Excise Warehouse, C. and M. Station, Bangalore.*

| Date. | No. and reputed quantity and strength of the cask opened. |                   |           | Actual strength as ascertained prior to issue. | Issues.    |          |           | Actual quantity as ascertained on emptying cask. | Wastage or excess | REMARKS. |
|-------|---|-------------------|-----------|--|------------|----------|-----------|--|-------------------|----------|
|       | Cask No.  | Reputed quantity. | Strength. |  | Permit No. | Shop No. | Quantity. |  |                   |          |
| 1     | 2   | 3                 | 4         | 5  | 6          | 7        | 8         | 9  | 10                | 11       |
|       |   | Gals.             | Drs.      |  |            |          | Gals.     | Drs.   | Gals.             | Drs.     |

No. \_\_\_\_\_ Dated \_\_\_\_\_ 19 \_\_\_\_

To  
The Shroff, Government Excise Warehouse, Bangalore.

Please receive the sum of Rs. \_\_\_\_\_ as detailed below, on account of the undermentioned spirits to be removed from the Excise Warehouse for sale at Shop No. \_\_\_\_\_

|             |                          |              |
|-------------|--------------------------|--------------|
| 1. Price of | gals. of the strength of | u. p. at Rs. |
| per gal.    |                          |              |
| 2. Duty on  | gals. of the strength of | u. p. at Rs. |
| per gal.    |                          |              |

Yours faithfully,

Licensee of Shop No.

CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Order No. 733  
under Acts locally applied.)

FORM No. 6 A.

|   |  |
|---|--|
| <p>No.                      dated                      19   .</p> <p>Received from</p> <p>the sum of *Rs.</p> <p style="text-align: right;">as detailed below.</p> <p style="text-align: right;">Rs. a. p.</p> <p>1. Price of        gals. of</p> <p>u. p. arrack at Rs.</p> <p>per gal.        .        .        .</p> <p>2. Duty on        gals. of</p> <p>u. p. arrack at Rs.</p> <p>per gal.        .        .        .</p> <p style="text-align: right;">Total Rs.        _____</p> <p style="text-align: right;">Initials of Shroff.        _____</p> | <p>No.                      dated                      19   .</p> <p>Received from</p> <p>the sum of *Rs.</p> <p style="text-align: right;">as detailed below.</p> <p style="text-align: right;">Rs. a. p.</p> <p>1. Price of        gals of</p> <p>u. p. arrack at Rs.</p> <p>per gal.        .        .        .</p> <p>2. Duty on        gals. of</p> <p>u. p. arrack at Rs.</p> <p>per gal.        .        .        .</p> <p style="text-align: right;">Total Rs.        _____</p> <p style="text-align: right;">Shroff at Excise Warehouse.        _____</p> |
|---|--|

\* Here enter the amount in words.

FORM No. 7 A.

No.                      Dated                      19   .

To                      \_\_\_\_\_

The Officer in charge of the Excise Warehouse, Bangalore.

Sir,

Please issue permit for the transport of the undermentioned spirit  
for the duty on and the price of which I herewith submit Shroff's receipt  
No.                      dated                      19   for Rs.

| Quantity. | Strength. | Price. | Duty. | Consignee's shops. |           | REMARKS. |
|-----------|-----------|--------|-------|--------------------|-----------|----------|
|           |           |        |       | No.                | Locality. |          |
| 1         | 2         | 3      | 4     | 5                  | 6         | 7        |
|           |           |        |       |                    |           |          |
|           |           |        |       |                    |           |          |
|           |           |        |       |                    |           |          |
|           |           |        |       |                    |           |          |

Yours faithfully.

Licensee of Shop No.



FORM No. 8 A.

*Arrack Permit Book.*

Licensed Shop-keeper named                      No.                      is permitted to transport the undermentioned arrack to his licensed shop at                      from the Government Excise Warehouse in the Civil and Military Station, Bangalore.

| Serial No. of permit. | Date and hour of issue. | Quantity of arrack issued. | No. of cask from which issued. | Route by which the arrack is to be transported. | Period of currency of permit. | Signature of the person granting the permit. |
|-----------------------|-------------------------|----------------------------|--------------------------------|---|-------------------------------|--|
| 1                     | 2                       | 3                          | 4                              | 5   | 6                             | 7  |
|                       |                         |                            |                                |   |                               |  |

FORM No. 9 A.

*Detailed Account showing the quantity of spirits sold daily to retail vendors of Arrack in the Civil and Military Station, Bangalore.*

| Month and Date. | Arrack Shop No. | No. of Gallons sold. | Price of spirits. | Government duty. | Total. | REMARKS. |
|-----------------|-----------------|----------------------|-------------------|------------------|--------|----------|
| 1               | 2               | 3                    | 4                 | 5                | 6      | 7        |
|                 |                 |                      |                   |                  |        |          |



*Cash Account.*

### Receipts.

Expenditure.

[illegible]

*Register of casks used in the Excise Warehouse of the Civil and Military Station.*

[illegible]

CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Order: 737  
under Acts locally applied.)

FORM No. 1 I. D.

No. Dated 19 . No. Dated 19 .

FROM  
THE SUPERINTENDENT  
OF EXCISE,  
Civil and Military Station,  
Bangalore.

To  
THE COLLECTOR,  
DISTRICT,  
MADRAS PRESIDENCY.

SIR,

I have the honour to request  
that you will supply me with  
seers of

I have, etc.,

Superintendent of Excise.

FROM  
THE SUPERINTENDENT  
OF EXCISE,  
Civil and Military Station,  
Bangalore.

To  
THE COLLECTOR,  
DISTRICT,  
MADRAS PRESIDENCY.

SIR,

I have the honour to request  
that you will supply me with  
seers of

I have the honour to be,  
SIR,  
Your most obedient Servant,

Superintendent of Excise.

FORM No. 2 I. D.

Register of intoxicating drugs received and issued from each box in the  
Excise Warehouse. Civil and Military Station, Bangalore.

| Date. | No. of box opened<br>and reputed<br>quantity. |            | Issues.    |          |            | Actual quantity as as-<br>certained on emptying<br>box. | Wastage or excess. | Balance. |
|-------|---|------------|------------|----------|------------|---|--------------------|----------|
|       | Box No.                                       | Quantity.  | Permit No. | Shop No. | Quantity.  |   |                    |          |
| 1     | 2   | 3<br>S.—T. | 4          | 5        | 6<br>S.—T. | 7<br>S.—T.  | 8<br>S.—T.         | 9        |
|       |   |            |            |          |            |   |                    |          |

FORM No. 3 I. D.

No.

Dated

19

To

The Shroff, Government Excise Warehouse, Bangalore.

SIR,

Please receive the sum of Rs. \_\_\_\_\_ as detailed below, on account of the undermentioned quantity of intoxicating drugs to be removed from the Excise Warehouse for sale at Shop No. \_\_\_\_\_

Rs. A. P.

- |             |          |        |          |
|-------------|----------|--------|----------|
| 1. Price of | seers of | at Rs. | per seer |
| 2. Duty on  | seers of | at Rs. | per seer |

TOTAL Rs. \_\_\_\_\_

Yours faithfully,

Licensee of Shop No. \_\_\_\_\_

FORM No. 4 I. D.

No.

dated

19 .

No.

dated

19 .

Received from

the sum of \*Rs.

as detailed below.

Rs. A. P.

1. Price of seers of at

Rs. per seer .

2. Duty on seers of at

Rs. per seer .

Total Rs. \_\_\_\_\_

Initials of Shroff.

Received from

the sum of \*Rs.

as detailed below.

Rs. A. P.

1. Price of seers of at

Rs. per seer .

2. Duty on seers of at

Rs. per seer .

Total Rs. \_\_\_\_\_

Shroff at Excise Warehouse.

\* Here enter the amount in words.

CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Orders 739  
under Acts locally applied.)

FORM No. 5 I. D.

No.

Dated

19 .

To

The Officer in charge of the Excise Warehouse, Bangalore.

Sm,

Please issue permit for the transport of the undermentioned quantity  
of ganja, for the duty on and the price of which I herewith submit  
Shroff's receipt No. dated for Rs.

| Quantity. | Price. | Duty. | Consignee's shops. |           | REMARKS. |
|-----------|--------|-------|--------------------|-----------|----------|
|           |        |       | No.                | Locality. |          |
| 1         | 2      | 3     | 4                  | 5         |          |
|           |        |       |                    |           |          |

Yours faithfully,

Licensee of Shop No.

FORM No. 6 I. D.

Ganja Permit Book.

Licensed Shop-keeper named No. is  
permitted to transport the undermentioned ganja to his licensed shop at  
from the Government Excise Warehouse in  
the Civil and Military Station, Bangalore.

| Serial No.<br>of permit. | Date and<br>hour of issue. | Quantity of<br>ganja issued. | Route by<br>which the<br>ganja is to be<br>transported. | Period of<br>currency of<br>permit. | Signature of<br>the person<br>granting the<br>permit. |
|--------------------------|----------------------------|------------------------------|---|-------------------------------------|---|
| 1                        | 2                          | 3                            | 4   | 5                                   | 6   |
|                          |                            |                              |   |                                     |   |

*under Acts locally applied.)*

FORM No. 7 I. D.

*Statement showing the quantity of intoxicating drugs sold daily to retail vendors of ganja in the Civil and Military Station, Bangalore.*

| Month and Date. | Ganja Shop No. | No. of seers sold. | Price. | Government duty. | Total. | REMARKS |
|-----------------|----------------|--------------------|--------|------------------|--------|---------|
| 1               | 2              | 3                  | 4      | 5                | 6      | 7       |
|                 |                |                    |        |                  |        |         |

FORM No. 8 I. D.

No.

No.

ORIGINAL.

DUPLICATE.

Challan for payment of money into the Hon'ble the Resident's Treasury, Bangalore.

Challan for payment of money into the Hon'ble the Resident's Treasury, Bangalore.

| 1                                       | 2                | 3         | 1                                       | 2                | 3         |
|---|------------------|-----------|---|------------------|-----------|
| By whom paid (with signature and date). | On what account. | Amount.   | By whom paid (with signature and date). | On what account. | Amount.   |
|   |                  | Rs. A. P. |   |                  | Rs. A. P. |
| Rupees . .                              | Total .          |           | Rupees . .                              | Total .          |           |

Received Rupees  
entered -

Resident's Treasury.

Dated,

Treasurer

Accountant.  
Treasury Officer.

Received Rupees  
entered

Resident's Treasury.

Dated,

Treasurer

Accountant.

Treasury Officer.

CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Orders 741  
under Acts locally applied.)

FORM: No. 9 I. D.

Abstract account of total daily receipts and sale of intoxicating drugs at the Excise Warehouse with abstract stock and cash account for the month of 19 .

[illegible]

· FORM No. 10 I. D

**CASH ACCOUNT.**

[illegible]



742 CIVIL AND MILITARY STATION OF BANGALORE.—( under Acts locally applied.)

FORM No. 11 I. D.

*Register of boxes used in the Excise Warehouse, Civil and Military Station.*

| Consecutive No. | Contents. | Date of Measurement. | Initials of measuring officer. | REMARKS. |
|-----------------|-----------|----------------------|--------------------------------|----------|
| 1               | 2         | 3                    | 4                              | 5        |
|                 |           |                      |                                |          |

FORM No. 12.

*Diary of the Officer in charge of the Excise Warehouse.*

| Date. | Serial number of transaction. | Hour. | NO. OF LOCK TICKET. |            | Particulars. |
|-------|-------------------------------|-------|---------------------|------------|--------------|
|       |                               |       | Put on.             | Taken off. |              |
| 1     | 2                             | 3     | 4                   | 5          | 6            |
|       |                               |       |                     |            |              |

FORM No. 13.

*Duty Roster*

| Date. | Name. | Hour of duty. | REMARKS. |
|-------|-------|---------------|----------|
| 1     | 2     | 3             | 4        |
|       |       |               |          |

| Date of receipt. | Description of article. | REMARKS. |
|------------------|-------------------------|----------|
| 1                | 2                       | 3        |
|                  |                         |          |

*Grant to certain Police officers of certain powers of Excise officers.*

*No. 11, dated the 21st August, 1885.*—In exercise of the powers conferred by section 34A of Act XXII of 1881 (the Excise Act), as amended by Act VI of 1885, the Resident in Mysore is pleased to invest the officers of the Police force of the Civil and Military Station of Bangalore, of and above the grade of Chief Constables, with the powers conferred on Excise officers by sections 27, 28 and 29 of Act XXII of 1881 (the Excise Act), as amended by Act VI of 1885, to be exercised within the limits of the Civil and Military Station of Bangalore.

[*Gazette of India*, 1885, Pt. II, p. 432.]

*Duty on certain spirits.*

No. 22, dated the 7th April, 1916.—  
In supersession of notification No. 46, dated the 23rd August, 1911. the Hon'ble the Resident is pleased to prescribe that, from 1st March, 1916, a duty of Rs. 11-4-0 per proof gallon shall be levied on plain rectified spirit and compounded spirit made in colour or flavour to resemble brandy, gin, rum or whisky and manufactured in any place in India beyond the limits of British India, which has been lawfully imported into the Civil and Military Station of Bangalore under a pass from the Superintendent of Excise.

[*Mysore Residency Orders*, 1916, Pt. I. p. 166.]

*Duty on spirits in drugs, medicines and chemicals.*

No. 41, dated the 12th July, 1916.—In continuation of notification No. 22, dated the 7th April, 1916, the Hon'ble the Resident in Mysore is pleased to prescribe that, from the 9th June, 1916, a duty of Rs. 14-10-0

per liquid gallon shall be levied on spirits contained in drugs, medicines and chemicals, if entered in such a manner as to indicate that the strength is not to be tested, and a duty of Rs. 11-4-0 per proof gallon, if tested.

[*Mysore Residency Orders*, 1916, Pt. I, p. 49.]

*Import duty on Bhang.*

No. 56, dated the 25th September, 1913.—Under section 13 of the Excise Act, 1896 (XII of 1896),<sup>1</sup> as applied to the Civil and Military Station of Bangalore, the Resident in Mysore, with the previous sanction of the Governor General in Council, is pleased to impose a duty of Rs. 3 per seer (of 80 tolas) on bhang imported into the said station, on or after the 1st October, 1913.

[*Gazette of India*, 1913, Pt. II, p. 1834.]

*Import duty on Ganja.*

No. 13, dated the 5th March, 1929.—Under section 24 of the Excise Regulation, 1915 (I of 1915), as applied to the Civil and Military Station of Bangalore, the Hon'ble the Resident in Mysore is pleased, in supersession of notification No. 17, dated the 4th March, 1927, of this Residency, to impose a duty of Rs. 25 (twenty-five only) per seer on ganja or any preparation or admixture thereof imported into the said Station. This notification will come into force on the 1st July, 1929.

[*Mysore Residency Orders*, 1929, Pt. I, p. 75.]

*Licenses for the sale of spirits, fermented liquors and intoxicating drugs.*

No. 32, dated the 5th April, 1922.—In exercise of the powers conferred by section 62 of the Excise Regulation, 1915 (I of 1915), as applied to the Civil and Military Station of Bangalore and in supersession of all the previous rules on the subject, the Hon'ble the Resident in Mysore is pleased to make the following rules for the grant of licences for the sale of spirits, fermented liquors and intoxicating drugs.

1. In these rules—

- (a) "Liquor" includes spirits of wine, spirits, wine, toddy or tari, beer and all liquid consisting of or containing alcohol.
- (b) "Foreign Liquor" means and includes all wines, spirits and beer imported into the Civil and Military Station from foreign territories by sea or land; plain rectified spirits imported or locally made and on which the tariff rate of duty has been paid; all spirits manufactured or compounded in the country and made in colour or flavour to resemble brandy, gin, rum, or whisky (or spirits manufactured in

<sup>1</sup> See now the Excise Regulation, 1915, as applied to the Civil and Military Station by Notification No. 261-L, dated the 24th April, 1929, *supra*, p. 39.

Malabar from cocoanut toddy called "Malabar arrack") and excised at <sup>1</sup>[Rs. 17-8-0 per proof gallon]; and beer brewed in India or beer imported in a condensed form and afterwards converted into potable beer and duly excised, but excludes methylated and caoutchoucined spirits and ordinary arrack.

- (c) "Intoxicating drug" means (i) ganja, bhang, charas, and every intoxicating drink or substance prepared from any part of the hemp plant (*Cannabis Sativa*), (ii) cocaine and every other drug which the Resident may, by notification, declare to be included in the definition of intoxicating drugs, and (iii) every preparation and admixture of any of the above.
- (d) "Indian beer" means beer brewed in India (i) which contains at least two bushels of malt and two pounds of hops per hogshead and in the manufacture of which jaggery or cane sugar is employed, (ii) which is brewed at higher original gravity than 1058 on a standard saccharometer, and (iii) the maximum price of which at the brewery, excluding the duty which may from time to time be prescribed, is Rs. 36 per hogshead.

2. The Collector may issue licences in the appropriate forms appended to these rules for any of the following purposes. Unless otherwise ordered by the Resident, fixed fees shall be payable in respect of licences described as Nos. 6 to 18 below at the rates specified against them:—

- (1) Arrack shop licence. For the sale of country spirits to be consumed on the premises.
- (2) Toddy shop licence. For the sale of toddy.
- (2a) Toddy Depot licences.
- (3) Ganja shop licence. For the sale of intoxicating drugs.
- (4) Beer-Tavern licence. For the sale of native beer to be consumed on the premises.
- (5) Foreign liquor tavern licence. For the sale of foreign liquor except bottled beer to be consumed on the premises.
- (6) Wholesale foreign liquor licence. For the sale of foreign liquor not to be consumed on the premises. Rs. <sup>2</sup>[150].
- (7) Retail foreign licence. For the sale of foreign liquor not to be consumed on the premises. Rs. <sup>2</sup>[30].
- (8) Hotel licence. For the sale of foreign liquor by keepers of hotels and boarding houses to residents in such institutions. Rs. <sup>2</sup>[75].

<sup>1</sup> Substituted by Notification No. 2, dated the 6th January, 1926. *Mysore Residency Orders*, 1926, Pt. I, p. 67.

<sup>2</sup> Substituted by Notification No. 2, dated the 16th January, 1923. *Mysore Residency Orders*, 1923, Pt. I, p. 69.

- (9) Bar licence. For the sale of Foreign Liquor except D. D. Rum to be consumed on the premises. Such fee as may be fixed by the Resident subject to a minimum of Rs. 200.
  - (10) Theatre Bar licence. Rs. '[250].
  - (11) Occasional licence. Such as licences for the sale at refreshment stalls in connection with race meetings and public entertainments. These will be granted by the Collector at his discretion for periods not exceeding 10 days at one time and at such fees not exceeding Rs. 100 on each occasion as he may determine. No removal of liquor from the premises shall be allowed under these licences.
  - (12) Licence for the sale of Foreign Liquor by Auctioneers Rs. '[15].
  - (13) Chemist's Licence. For the sale of pure rectified spirits by chemists and druggists. Rs. 10.
  - (13a) Licence to chemists and druggists for possession and use of rectified spirits in the manufacture of drugs, medicines or chemicals. Rs. '[10].
  - (14) Licence for the sale of medicated wines and similar preparations. Rs. 10.
  - (15) Licence for compounding or blending foreign liquors. Rs. 50.
  - (16) Bottling licence. For enabling foreign liquor licensees to bottle foreign liquor imported in bulk. Rs. 50.
  - (17) Special retail licence granted to the contractor under the Military Canteen Tenant System for the sale of foreign liquor to be consumed on the premises. Rs. '[24 and 40]..
3. The Collector may sell by auction or assign on a system of surcharge the right to hold any of the licences mentioned in Rule 2 in respect of which fixed fees are not payable for any period as may from time to time be fixed by the Resident. The terms and conditions of sale or assignment aforesaid and of the grant and issue of licences shall be as follows:—

#### *Conditions of the Auction Sale.*

I. A deposit must be made by each bidder before bidding and will be received by the selling officer on the day of sale. A deposit of Rs. 50 will ordinarily be required from any person wishing to bid for any important shop or any large number of shops.

II. The shops will be put up to auction in the order in which they are notified, unless the selling officer sees reason to change that order. Upset prices will be fixed at the discretion of the Collector.

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<sup>1</sup> Substituted by Notification No. 2, dated the 16th January, 1923. *Mysore Residency Orders*, 1923, Pt. I, p. 69.

III. No person will be allowed to bid for another unless he holds a power of attorney from him.

IV. The Officer conducting the sale may, at his discretion, refuse to accept the bid of any person on the ground (1) that he has been convicted by a Criminal Court or has previously been guilty of such a breach of the conditions of licence or of a contract under the Excise Regulation  
Opium Act as to render him undesirable as a holder of a licence; or (2) that he is insolvent or in arrears to Government; (3) that his bid is purely speculative; (4) that he is a brewer bidding for beer shops; (5) that such a course is necessary to prevent arrangements to the detriment of Government interests; or (6) for any other valid reason.

V. The shops will be knocked down to the highest bidder. If for any of the reasons mentioned in the preceding clause the highest bid is rejected, the next highest shall be taken or the shop re-sold at the selling officer's discretion. In case of dispute the selling officer's decision shall be final. The sale will be subject to formal confirmation of the Hon'ble the Resident, who shall be at liberty to accept or reject any bid at his discretion. Such formal confirmation will be tantamount to an acceptance of the bid.

VI. At the close of each day's sale, the deposits made by the unsuccessful bidders will be returned to them. As the auction proceeds, each person whose bid is accepted shall at once, if so required by the selling officer, or otherwise at the close of the day's sale, make a further deposit of half a month's rent (in addition to the deposit made under clause I) for each shop unless the initial deposit equals or exceeds two months' rent. Should he fail to do so, the deposit made by him under clause I will be forfeited and the shop will be put up again immediately by the selling officer on the above conditions or otherwise disposed of by the Collector and the defaulter will be debarred from bidding again for the same or for any other shop in the sales then in progress.

VII. Any person to whom a shop has been knocked down and who has made deposits as provided in clauses I and VI shall also deposit, in cash or approved security, within ten days from the date of communication of the Hon'ble the Resident's acceptance of the bid, such further sum as with the former deposits will make up two months' rent and shall without unnecessary delay take out a licence on the conditions hereinafter set forth. In the event of the purchaser's death after issue of licence his heirs and assigns shall be responsible for all moneys that may become due to Government under the terms of the licence as well as for the proper observance of all the conditions of the licence. Should the initial deposit exceed two months' rental, the excess will be refunded unless the purchaser is requested to deposit twice that sum under clause VIII *infra*.

VIII. If on inquiry subsequent to the sale the purchaser shall be found to be of doubtful solvency, he may be required either to deposit two months' rental in addition to the sum prescribed in clause VII *supra*, or to get a surety or sureties to execute a surety bond for the due payment of all moneys that may become due by him under the terms of the contract. The bond shall be stamped (article 57, Schedule I, Act II of 1899) and registered at the expense of the purchaser if the amount secured exceeds Rs. 1,000. In all cases where sureties are demanded the licensees shall be bound to execute a counterpart agreement.

IX. On the failure of any person to make a deposit or take out a licence under clause VII or to comply with any requisition or to execute any engagement under clause VIII *supra*, the deposits already made may be forfeited and the shop may be re-sold by the Collector or may be otherwise disposed of by the officer. Resales under this clause will be at the risk of the defaulting bidder, who will forfeit all gain, and in the event of a loss, will be required to make good the deficiency between the total amount payable for the whole period under the terms of the original sale and the total amount payable by the successful bidder at the resale. In the latter case, the forfeited deposits will be deducted from the loss arising from the resale, and the remainder, if any, will be recoverable in the same manner as if it were an arrear of land revenue. Should, however, the forfeited deposits be greater than the loss by resale, the whole of such deposits will be credited to Government. The defaulting bidder will be similarly liable if the shop is disposed of otherwise than by resale and such disposal results in a loss to Government as compared with the original sale.

X. The purchaser of any excise or opium privilege is liable to the penalties prescribed for breaches of the conditions set forth below, though a formal licence may not have been issued to him.

XI. The deposits referred to in clause VII or VIII may be made either in cash or in recognized Government, Port Trust, Municipal or Local Board securities or by depositing Postal Savings Bank pass-books. When deposits are made otherwise than in cash, the Collector may demand that they shall be of such higher face value than the cash deposit required, as in the circumstances of the market he may think necessary. The securities or Savings Bank pass-books deposited must be endorsed in the name of the Collector and Government promissory notes must be enforced for payment of interest at the treasuries at which they are deposited, if so required. Deposits in cash will be adjusted towards the instalments of kists due in the last months of the period of the lease. Deposits of securities or savings bank pass-books will be returned upon payment of the full amount of the kists due in cash unless the depositors wish that Government should take them over, in which case they will be taken over at the price of the day, and the balance, if any, due to

Government must be paid in cash. In cases of default under clause IX of the conditions of auction sale or under condition 35 of the general conditions applicable to all Excise and Opium licences, all securities deposited are liable to be sold for any amount due to Government under the terms of the lease, the remainder, if any, after such sale, being recovered as arrears.

*General conditions applicable to all Excise and Opium Licences.*

1. Shops must be opened by the dates fixed by the Collector and must be kept open every day unless their temporary or permanent closure is authorised under condition 9 or 39 *infra*.

2. Except where definite sites in the possession or under the control of Government have been prescribed, purchasers of shops must make their own arrangements for securing proper sites for their shops. They are at liberty to choose any site within the local limits notified by the Collector, provided the site selected is approved of by the Revenue and Police authorities. The limits of the site selected and approved will be entered in the licence. The possession (except subject to the rules applicable to unlicensed persons) or sale of liquor, opium or intoxicating drugs outside those limits is prohibited.

3. Sales under any Excise or opium licence must be conducted in an approved building of which the whole or whole of a separable part must be entirely set aside for use as a shop. In the case of arrack shops and taverns, there shall be no possible means of ingress or egress in any direction except into the main street; if there are other doors they shall be kept locked under the seal of the officer of the Excise Department; the interior of the shop shall be sufficiently lighted by day and the whole interior visible from the front door; the shop shall not be used as a place of residence. The Collector may in his discretion permit a caretaker to sleep in a shop at night and may prescribe special conditions when this concession is allowed.

4. Except when two or more foreign liquor licences are held by one person or in the case of licences held by chemists and druggists and medical practitioners, sales under different licences must be conducted in different premises.

5. A signboard must be affixed to the front of each depot or shop showing the nature and number of the licence under which sales are conducted there, the name of the licensee and (except in the case of foreign liquor) the current rate of sale. These particulars must be legibly painted in the local Vernacular and in the case of taverns in English also. The licence must be hung up in a conspicuous place within the depot or shop.

6. The possession upon any licensed premises of any liquor, opium or intoxicating drug except that to which the licence relates or of any



*under Acts locally applied.)*

essence or substance used or capable of being used for colouring or flavouring liquor except in accordance with the terms of a compounding licence is prohibited.

7. Such supply of liquor, opium or intoxicating drugs as the Collector may consider sufficient to meet local requirements must be maintained in shops.

8. No arrack shop, opium shop, ganja shop, foreign liquor tavern or beer shop shall be opened before 9-30 A.M. and no other shop shall be opened before sunrise.

9. (a) No shop shall be kept open after 8 P.M. except under special authority. The Collector may for sufficient reasons order the general closure of any kind or kinds or all kinds of licensed premises at any earlier hour than 8 P.M. He may also direct any shop or shops to be temporarily closed on grounds of Police administration or expediency.

(b) The Collector is authorised to notify at the time of the auction sales that all or certain specified shops will be closed on the occasion of specified festivals. A special condition embodying these restrictions or liabilities will be inserted by the Collector in the licences granted to the renters of all such shops.

(c) Every shop-keeper shall on his motion close his shop when there is a riot or disturbance in the neighbourhood.

10. All liquor, opium and intoxicating drugs sold or kept for sale shall be of good quality and unadulterated. Nothing shall be added to liquor, opium or intoxicating drugs either to increase their intoxicating power or for any other purpose. This prohibition, however, does not apply to the compounding or blending of liquor or to the manufacture of intoxicating drugs from hemp drugs and opium in accordance with the terms of a licence. Liquor shall not be bottled except under a bottling licence. Nor shall different kinds of liquors be mixed and sold under the designation of one of them.

11. No woman shall be employed in any Excise or opium shop for the sale of liquor, opium or intoxicating drugs without the special permission of the Collector unless she be a member of the renter's family.

12. The sale or transport of liquor, opium or intoxicating drugs by persons below the age of 18 or by persons suffering from leprosy or any contagious disease and the employment in any capacity of such persons in shops licensed for the sale of the same are prohibited. No persons who have been convicted under the Indian Penal Code shall be employed in the transport or sale of liquor, opium or intoxicating drugs without the Collector's previous permission. The Collector may, where necessary, call for the names of all persons employed or proposed to be employed in any shop and forbid the sale of liquor, opium or intoxicating drugs by any person of whom he may disapprove.

13. No liquor, opium or intoxicating drug shall be sold or given—

(a) except at shops specially approved by the General Officer Commanding the Division (or Independent Brigade) or the Officer Commanding the Cantonment or Camp, and then only in respect to such liquors as shall be approved by the same authority in consultation with the Local Excise authorities and specified in the licence—

(1) to sailors of the Royal Navy, soldiers and members of their families; or

(2) to any other persons living in barracks;

(b) (i) to persons whom the vendor knows, or has reason to believe to be camp followers, *i.e.*, any class of followers (other than private servants) whether on or off duty, who have a right to be in cantonments;

(ii) to Policemen, Excise officers and Railway servants when on duty; or

(c) in any circumstances to any—

(1) European vagrant under escort of the Police;

(2) child or young person under eighteen years of age;

(3) insane person; or

(4) person known or believed to be intoxicated.

**NOTE.**—The restrictions in (a) and (b) do not apply to soldiers, their families and followers when they are absent on leave from their regiments.

14. No liquor, opium or intoxicating drug shall be sold in shops except for cash. The licensee shall be bound to give intimation of the offer of anything other than cash to the nearest Magistrate or Police Officer. This condition is not, however, meant to restrict credit sales in the ordinary course of business by shop-keepers or firms of standing and respectability dealing in foreign liquor for consumption on the premises.

15. No liquor, opium or intoxicating drug shall be sold either below or above such minimum or maximum price as may be fixed for sale of the same in accordance with the law for the time being in force.

16. No liquor, opium or intoxicating drug in excess of the quantities prescribed for possession without a licence as specified below shall be issued to any person at any one time from any licensed premises without a valid permit:—

Arrack—one-sixth of a gallon or one reputed quart.

Toddy—half a gallon or three reputed quarts.

Beer—two reputed quarts or  $\frac{1}{2}$  of a gallon.

Ganja—<sup>1</sup>[four] tolas.

Opium—one tola.

17. Only such weights and measures as may from time to time be prescribed by the Collector shall be possessed or used in any licensed premises, and they shall be tested and stamped by the stamping establishment of the Station if the Collector shall so direct.

18. No drunkenness, disorder or gaming shall be permitted in shops. Entertainments of any kind in shops are also strictly forbidden.

19. No robbers or thieves or disorderly or riotous persons shall be harboured in shops. Intimation of their resort thereto shall be given to the nearest Magistrate or Police Officer.

20. No person shall be harboured in any shop during the night.

21. True account of transactions shall be maintained from day to day in ink in the prescribed form. Unless special permission is given to the contrary, separate accounts shall be kept for the transactions under each licence. The account shall be in printed books which may be obtained from the Office of the Assistant Commissioner of Excise on payment of cost price. Permits for liquor, opium or intoxicating drugs received and the counterfoils of permits issued must be carefully filed in support of the accounts. The accounts and the counterfoils of permits shall be preserved for one year after the period covered by the licence and shall be produced when called for by an officer not below the rank of an Assistant Inspector of the Salt, Abkari and Customs Department.

22. Except in the case of fixed fee licences, the amount for which the privilege of sale has been purchased shall be payable in twelve equal monthly instalments into the Hon'ble the Resident's Treasury on or before <sup>2</sup>[the 5th of each month] beginning with April or July as the case may be. Interest will be levied on any amount not so paid after the 25th of the month. Shops are liable to be re-sold for failure to pay khist.

23. No remission or abatement of the rent shall be claimable on any account whatever.

24. Power is reserved to the Collector to suspend licences in case of failure of payment of khists on the due date. In the event of suspension of a licence for failure to pay arrears, the privilege of sale will be re-sold with effect from the date of issue of the licence to the new purchaser, or otherwise disposed of at the Collector's discretion. All losses on account of suspension and resale or other disposal of the privilege shall be borne by the defaulting licensee but he shall have no right to any gain which may accrue. The whole of the deposit, if any, made by the licensee

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<sup>1</sup> Substituted by Notification No. 34, dated the 19th March, 1925. *Mysore Residency Orders*, 1925, Pt. I, p. 94.

<sup>2</sup> Substituted by Notification No. 63, dated the 25th May, 1923. *Mysore Residency Orders*, 1923, Pt. I, p. 69.

shall be liable to forfeiture. The officer who has power to suspend the licence may at his discretion allow sales to continue pending resale or other disposal of the privilege.

25. No privilege of supply or vend shall be sold, transferred or sub-rented without the Collector's previous permission, nor if the Collector so orders, shall any agent be appointed for the management of any such privilege without his previous approval.

26. (a) No Excise or opium licensee in a Native State or Foreign territory will be allowed to have any interest in a licence for the same article in the Civil and Military Station, without the special permission of the Collector.

(b) No Excise or opium licensee in a British district where a low rate of duty is in force will be allowed to have any interest in a licence for the same article in the Civil and Military Station of Bangalore where there is a higher rate of duty, without the special permission of the Collector.

27. Such returns and information as may be required by the Collector or Assistant Commissioner of Excise from time to time shall be furnished by holders of licences.

28. Licensees are bound to report to the Assistant Commissioner of Excise all instances which come to their knowledge of persons employed by them in the manufacture, transport or sale of liquor, opium or intoxicating drugs, committing breaches of the Excise laws, and to comply with the Assistant Commissioner's orders respecting the continued employment of such persons.

29. Pecuniary dealings by licensees of any kind whatever with officials of the Excise Department are absolutely prohibited.

30. The Collector may at his discretion revoke any licence on giving the licensee fifteen days' notice of such revocation, in which case a proportionate part of the fee paid will be refunded.

31. All licensees shall be bound by any additional general rules that may be prescribed under the Excise laws and shall, if so required by the Collector or any officer authorised by him, deliver up their licences for amendment or for the issue of fresh ones.

32. The officers authorised to inspect licensed shops are—

- (1) any officer of the Revenue Department of rank not lower than Revenue Inspector, and
- (2) any officer of the Excise Department of rank not lower than Sub-Inspector.

These officers are empowered to enter and examine the premises, to test the weights, measures, liquor, opium and intoxicating drugs in the possession of the licensees, and to call for and check the accounts

kept in the shop. Police officers not below the rank of European Sergeant will also make inspection when it comes within the scope of their duty.

33. All officers authorised to inspect depôts and shops are authorised to detain any liquor, opium or intoxicating drugs found unfit for consumption or use or which they may believe to have been tampered with in any of the ways referred to in condition 12 and the Collector and the Assistant Commissioner of Excise are empowered to confiscate, or destroy such liquor, opium or intoxicating drugs.

34. An inspection note book, with pages numbered consecutively, shall be maintained for the use of inspecting officers and shall be handed over to the Assistant Commissioner of Excise or to any officer authorised by him to receive it on a receipt being given therefor.

35. An infraction of any of the conditions of the licence either by a licensee or by any person in his employment will render the licensee liable to—

either (a) fine up to Rs. 50;

or (b) cancellation of licence and resale or other disposal of the privilege at the risk of the licensee and, if considered necessary by the Collector, forfeiture of deposits;

or (c) prosecution of the licensee or his agent for the specific offence committed.

The Assistant Commissioner of Excise may impose fines up to a maximum of Rs. 20 or rule 35 (a).

The rent for the whole lease shall become due at once, when a lease is cancelled under this condition.

NOTE.—For continuing breaches of a licence, continuing fines may be imposed.

36. Any licence may be forfeited and the privilege be re-sold or otherwise disposed of at the risk of the licensee if the licensee be convicted before a Magistrate of any offence against the <sup>Excise</sup><sub>Opium</sub> Act, or of any offence under the Indian Penal Code, which in the Collector's opinion renders him unfit to hold it, or if it be brought to the notice of the Collector that the licensee has been convicted prior to the issue of a licence to him before a Magistrate of any such offence.

37. Any sum due by a licensee may be adjusted from the deposit, if any, made by him or collected under the Revenue Recovery Act as an arrear of Land Revenue. The licensee shall be bound to replace any sum adjusted from his deposit within fifteen days of receipt of notice.

38. Interest on all moneys due shall be payable at the rate of 6 per cent. per annum.

39. The Collector may, at the commencement of the lease, order the transfer of depots and shops from one locality to another or their closure or the opening of new shops within limits as to number fixed by the Hon'ble the Resident in his discretion. But no new shops should be opened unless notice of the sites selected has been published in the Residency Orders six months before the commencement of the lease and no such changes as affect the interest of the adjacent shop-keepers shall be made during the currency of a lease except under special sanction of the Resident.

40. The right is reserved to the Collector to grant "occasional licences" for the sale of liquor, opium and intoxicating drugs, on the occurrence of fairs, festivals, etc., in places in the vicinity of which there are no regularly licensed shops. Such licences should be issued only when absolutely necessary and shall ordinarily be granted to the shop-keepers who usually supply the locality. The licences shall run only for such period not exceeding ten days as they are actually required. Not more than one licence shall be issued for a fair or festival without the sanction of the Hon'ble the Resident.

The fees to be paid for the licences shall be fixed at the discretion of the Collector subject to the maximum prescribed in rule 2 (11).

41. Except in the case of Foreign Liquor licences, the minimum price at which any liquor, opium or intoxicating drug may be sold will be fixed at the time of auction or assignment subject to such variation as the Collector may consider necessary when the conditions require the minimum price to be raised.

42. The conditions under which the shops are assigned on a system of surcharge will be notified from time to time by the Hon'ble the Resident in Mysore, and the Collector shall in compliance with the terms of such notification assign those shops to approved persons

*Conditions applicable to arrack licences.*

1. The privilege extends only to the sale of country spirits of the prescribed strength of 35 U. P. or of such other strength which the Hon'ble the Resident may from time to time notify.

2. Spirits shall be purchased only from the Government Excise Warehouse. The cost per gallon shall be that mentioned in the notification issued at the time of auction.

3. The duty and cost price of spirits purchased from the Government Excise Warehouse must be paid by the licensee into the Hon'ble the Resident's Treasury. They should present the Treasury receipts evidencing such payment to the Warehouse Officer who will make the issues from the stock in the Warehouse.

4. All consignments of liquor issued shall be sealed by the Officer in charge of the Warehouse at the cost of the shop-keeper in such cases

ordered by the Collector. For the transport of liquor issued from the Warehouse arrack shop-keepers should provide themselves with jars or other receptacles that can be effectively closed and sealed and the Officer in charge of the Warehouse should refuse to issue liquor in receptacles which cannot be so closed and sealed. Shop-keepers shall be entitled to have issued to them from the Warehouse in the order of their application and with all reasonable despatch any spirit which they are licensed to sell at any of the prescribed strengths.

5. The quantity purchased at one time shall not fall below the minimum of 6 gallons.

*Conditions applicable to F. L. Tavern licences.*

1. The privilege extends to the sale of foreign liquors except bottled beer to be consumed on the premises and to sale to any person at a time up to 2 reputed qts. of beer or 4 drams of spirit for removal from the premises only after 6 P.M.

NOTE.—“Indian” beer cannot be sold under this licence.

2. Every receptacle containing beer brewed in India and received into or kept for sale at the shop shall be conspicuously labelled or branded with the words “Brewed in India”.

3. The licensee is prohibited from rectifying spirits by purifying colouring or flavouring or mixing any material therewith.

4. Every receptacle containing spirits flavoured, coloured or compounded in India and received into or kept for sale at the tavern shall be conspicuously labelled or branded with the words “Spirit compounded in India”. All liquor imported in bulk and bottled in the Station received into or kept for sale at the tavern shall bear a printed label showing clearly the nature of the liquor contained therein, and the country of manufacture, the name of the bottler as entered in his licence and the place of bottling. The licensee is forbidden to alter either the nature of the bottled liquor purchased by him or the labels upon the bottles, on pain of forfeiture of his licence.

5. If the licensee is desirous of obtaining a supply of cocoanut arrack made in Malabar, he must make his own arrangement with the supply contractors or the licensed dealer in the Madras Presidency. The aforesaid contractors or dealers shall not be bound to supply cocoanut arrack. The liquor must be kept in receptacles labelled “Spirit manufactured in Malabar”.

<sup>1</sup>[The source of supply of cocoanut toddy arrack is restricted to the Chowghat Distillery and the Malabar Arrack Bonded Warehouse, Madras, and of locally made Foreign Liquors to the Nellikuppam Distillery.

<sup>1</sup> Added by Notification No. 2, dated the 6th January, 1926. *Mysore Residency Orders*, 1926, Pt. I, p. 67.

Cocoonut toddy arrack and locally made foreign liquors should be obtained only on a permit issued by the Collector, Civil and Military Station, Bangalore.]

6. The minimum strengths at which imported and locally made foreign spirits can be sold are 35 under-proof for gin and 25 under-proof for all other kinds of spirits including Italian Arrack, except denatured spirits and cocoanut arrack.

*Conditions applicable to Beer Tavern licences.*

1. The privilege extends to the sale of "Indian" beer to be consumed on the premises and to sale to any person at a time up to two reputed quarts for removal from the premises.

2. Every receptacle containing Indian beer received or kept for sale in the shop shall be conspicuously labelled or branded with the words "Indian Beer".

3. Every licensed brewer within the Civil and Military Station of Bangalore is bound on payment of the value in legal tender or on security for such value being given to supply "Indian" beer at a price not exceeding Rs. 63-0-0 including the excise duty of Rs. 27-0-0 per hogshead, to all persons licensed to sell such beer.

4. Applicants shall be entitled to have "Indian" beer of good quality issued to them in order of their applications and with all reasonable despatch. All complaints as to the quality of the beer supply will be disposed of by the Collector whose decision shall be final.

*Conditions applicable to Ganja Licences.*

1. The licensee shall be bound by the general or special rules relating to ganja which may from time to time be prescribed and notified.

2. The privilege conferred extends only to the sale of ganja, bhang and other intoxicating drugs prepared from the hemp plant.

3. Shop-keepers must obtain their supplies of ganja and bhang from the local Excise Warehouse or from other shops within the Station. The Collector may, however, at any time require any licensee to obtain his supplies from any one specified source.

4. During the closing of the lease (March) no licensee shall apply for more ganja than is necessary to meet the legitimate requirements of the remaining days of the lease. Every indent for ganja in March shall be sent through the Assistant Commissioner of Excise who may, at his discretion, refuse to pass it in full and may pass for supply only such quantity as he considers reasonable.

5. Indents for intoxicating drugs received from shop-keepers will be complied with at such prices as may be fixed by the Collector and will be that charged for the drug by the Government of Mysore plus any



charges required to cover transport, etc., in accordance with the rules in the order of their receipt and with all reasonable despatch.

6. Ganja shall be purchased from the Excise Warehouse and licensees must pay both the duty and the cost price of the drugs into the Resident's Treasury. They should present the Treasury receipts evidencing the payment of duty and cost price to the warehouse officer who will make the issues from the stocks in the warehouse.

7. No licensee shall keep any greater quantity of ganja, bhang or other intoxicating drugs prepared from the hemp plant than may be fixed by the Collector. The Collector may, at any time, during the currency of the lease, if he finds that the issues to shops are abnormally high, restrict further issues unless good reason is shown by the shop-keepers.

8. Shop-keepers are prohibited from breaking up the pressed ganja kept for sale in their shops except in small quantities not exceeding the average daily sales in their shops.

9. No licensee shall destroy the seeds or any part of his stock of ganja. The seeds, if separated from the stock, as well as any part of the stock which the licensee desires to destroy should be carefully preserved for examination and destruction by an inspecting officer.

10. If any ganja licence is used as a cloak for illicit sales or if the licensee knowingly sells ganja to a ganja smuggler or if the Collector has reason to suspect that the licensee is guilty of any offence of that nature, he may, after recording the reasons, forthwith cancel the licence and resell or otherwise dispose of the privilege at the risk of the licensee. The rent for the whole lease shall become due at once when a licence is cancelled under this condition.

*Conditions applicable to Toddy shop licences.*

1. The privilege extends only to the sale of toddy from date, cocoanut, sago and dadasal palm trees in the territories of the Mysore State which, subject to the tree tax rules in force in that State, may be obtained in the groves assigned to the toddy shops as will be notified from time to time or, if permitted by the Mysore Durbar, from trees in private lands under private arrangement with the owners of such lands. No trees shall be marked in Inam lands, the tree tax on which may be claimed by the Inamdar or Khayamguttadar. If such is done the toddy contractor will be liable to pay tree tax on such trees in addition to that already paid if required to do so at any subsequent date.

2. Applications for trees countersigned by the respective Range Inspectors, as to whether the trees applied for are available for tapping, should be presented to the Assistant Commissioner of Excise of the Station together with the challans for payment of tree tax. After the

latter officer's countersignature the amount of tree tax at the rates which will be notified before the auction sales will have to be paid into the Hon'ble the Resident's Treasury, Bangalore. The application and Treasury Receipt will then have to be sent to the Mysore Excise authorities for marking.

3. Toddy shall not be transported from the frontier line into the Civil and Military Station of Bangalore without a permit. General permits for the transport of such toddy will on application be granted by the Assistant Commissioner of Excise.

4. Toddy shall be transported from the groves to the toddy depot (for which a separate licence will be issued by the Collector) and from the said depot to the different shops in the Station under cover of a permit to be issued by the toddy contractor or his agent.

5. The licensee shall not keep in his depot or shop or sell toddy unfit for consumption. Such toddy shall be removed for vinegar under a permit which may be granted by the Assistant Commissioner of Excise or be destroyed in the presence of an Excise Officer. It shall rest with the Assistant Commissioner of Excise to decide as to whether the toddy is fit for consumption as toddy or not.

*Conditions applicable to Opium licences.*

1. The licensee shall be bound by the rules prescribed under the Opium Act under the Hon'ble Resident's Notifications Nos. 36 and 39, dated the 27th May 1921, and any additional general or special rules which may from time to time be notified.

2. The privilege conferred extends only (a) to the retail sale of opium and (b) to the manufacture and retail sale of intoxicating drugs made from opium or the poppy, other than morphia or preparations for smoking, in shops duly sanctioned.

3. The price of opium at the Resident's Treasury will be Rs. 60 per full seer cake and Rs. 30 per half seer cake.

4. The licensee shall obtain his supply of opium from the Hon'ble the Resident's Treasury in quantities of a half seer and multiples thereof on complying with the rules regulating such issues, or from other shops within the Station under the special orders of the Collector. No opium other than that obtained in the manner specified above shall be sold or received or possessed by shop-keepers. Every indent for opium will be carefully scrutinised by the Assistant Commissioner of Excise who may, after obtaining the orders of the Collector, refuse to comply with it in full or may issue such quantity as the Collector may consider reasonable.

5. A licensed shop-keeper may not sell at one time to any person more than one tola of opium or intoxicating drugs.

6. A licensee shall keep at any one time no greater quantity of opium or intoxicating drugs, other than morphia or preparations for smoking, than may be fixed by the Collector. The Collector may, by notification at the time of the auction sales, impose a maximum limit on the quantity to be sold under a licence or may, at any time during the currency of the lease if he finds that the issues to a shop are abnormally high, restrict further issues unless good reason is shown by the shop-keeper.

7. If this licence is used as a cloak for illicit sales or if the licensee knowingly sells opium to an opium smuggler or if the Collector has reason to suspect that the licensee is guilty of any of these offences, he may, after recording his reasons, forthwith cancel the licence and re-sell or otherwise dispose of the privilege at the risk of the licensee. The rent for the whole lease shall become due at once, when a licence is cancelled under this condition.

8. The smoking or consumption of opium or its preparations in any form in premises licensed for sale and the sale or possession of morphia or of opium preparations for smoking are prohibited.

9. Discretion is reserved to the Collector to issue separate licences to licensed chemists for the sale of opium and the manufacture and sale of opium preparations for medicinal purposes only.

*Notice of conditions of issue of Fixed Fee Foreign Liquor Licences.*

In exercise of the powers under section 62 of the Excise Regulation I of 1915, the Hon'ble the Resident in Mysore hereby prescribes the following rules for regulating the issue of licences on fixed fees for the compounding, blending, bottling and sale of portable foreign liquors from and after the 1st April 1923 within the Civil and Military Station of Bangalore.

1. The term "foreign liquor" in these rules includes all wines, spirits and beer imported into the Civil and Military Station of Bangalore by sea or land, plain rectified spirits imported or locally made and on which the tariff rate of duty has been paid; cocoanut arrack and spirits manufactured or compounded in the country and made in colour and flavour to resemble gin, brandy, whisky or rum excised at <sup>1</sup>[Rs. 17-8-0 per proof gallon]; and beer brewed in India on English principles (other than "Indian" beer) or beer imported in a condensed form and afterwards converted into potable beer and duly excised, but excludes denatured spirits and ordinary arrack. In the case of licences to chemists, druggists and other approved firms or persons, however, for the sale of pure rectified spirits only, the term "foreign liquor" means pure rectified spirits

<sup>1</sup> Substituted by Notification No. 2, dated the 6th January, 1926. *Mysore Residency Orders, 1926, Pt. I, p. 67.*

CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Orders 761  
under Acts locally applied.)

imported from foreign countries by sea or manufactured in this country and excised at the tariff rate of duty.

NOTE.—The minimum strength at which imported and locally made foreign spirits can be sold are 35 U. P. for gin and 25 U. P. for all other kinds of spirits including Italian Arrack, except denatured spirits and cocoanut arrack.

“ Indian ” beer is beer brewed in India (a) which contains at least two bushels of malt and two pounds of hops per hogshead and in the manufacture of which jaggery or crude cane sugar is employed, (b) which is brewed at a higher original gravity than 1058 on a standard saccharometer and (c) the maximum price of which at the brewery is Rs. 57-150 per hogshead including the excise duty of six and a half annas per gallon for sale in Beer Taverns only.

<sup>1</sup>[The source of supply of cocoanut toddy arrack is restricted to the Chowghat Distillery and the Malabar Arrack Bonded Warehouse, Madras, and of locally made foreign liquors to the Nellikuppam Distillery.

Cocoanut toddy arrack and locally made foreign liquors should be obtained only on a permit issued by the Collector, Civil and Military Station, Bangalore.]

2. Licences for the sale of foreign liquors shall be of the following descriptions:—

I. Wholesale licence for the sale of foreign liquors other than “ Indian ” beer not to be drunk on the premises: These will be issued on an annual fee of Rs. 100 at the discretion of the Collector. Under these licences the sale of liquor in quantities less than one imperial gallon or six reputed quart bottles or one dozen reputed pint bottles of each kind at a time is prohibited. The holders of this licence will have the privilege of issuing to licensed dealers only samples of liquor in quantities not exceeding one pint. Holders of this licence will not be allowed to sell “ Indian Beer ”.

II. Retail licence for the sale of foreign liquors other than “ Indian ” beer not to be drunk on the premises: These will be issued on an annual fee of Rs. 200 at the discretion of the Collector. Under these licences sale of liquors in quantities less than one reputed pint and greater than one imperial gallon or six reputed quarts or 12 reputed pints is prohibited.

NOTE (1).—No liquor shall be sold under the licences mentioned in I and II except upon a written order signed by an approved customer which shall be retained during the currency of the lease.

NOTE (2).—The hours of sale shall be between 8 A.M., and 9 P.M., unless specially permitted otherwise by the Collector.

III. Hotel licence for the supply of residents in hotels and boarding houses: These will be issued on an annual fee of Rs. 50 at the discretion of the Collector. No liquor may be sold under these licences otherwise

<sup>1</sup> Added by Notification No. 2, dated the 6th January, 1926. *Mysore Residency Orders*, 1926, Pt. I, p. 67.

than to residents in hotels and boarding houses for their own use and for that of their guests, or to casual visitors requiring liquor with the meal or meals supplied to them. No liquor shall be sold before sunrise and after 10 P.M.

A holder of a hotel licence desirous of setting up and maintaining in his hotel a bar or bars may, on payment of an annual fee to be fixed by the Collector, be granted a separate licence to be called a bar licence [Rule 2-(10)]. This will cover the sale of foreign liquors under the same conditions and to the same extent as the tavern licence.

IV. Special bar licences may also be issued to other than holders of hotel licences. The fees in such cases will be fixed by the Collector subject to the minimum of Rs. 200 fixed by the Hon'ble the Resident and the licences will entitle the holders to sell foreign liquors except D. D. Rum to all comers for consumption on the premises only. The hours of sale shall be from 10 A.M. to 10 P.M.

V. Theatre Bar licence will be granted to Proprietors, Lessees and Managers of permanent cinemas and Theatrical Companies, at the discretion of the Collector, for sale of liquor for consumption on the premises only, to *bonâ fide* purchasers of tickets, between the hours of 6 P.M. and midnight and then only for one period of 30 minutes before the 1st performance begins and further periods of 30 minutes each in the interval of any one performance up to a limit of two intervals in an evening—Fee Rs. 50.

VI. Occasional licences—such as licences for the sale at refreshment stalls in connection with race meetings and public entertainments: These will be granted by the Collector at his discretion for periods not exceeding ten days at one time, and at such fees not exceeding Rs. 100 on each occasion, as he may determine. No removal of liquor from the premises will be allowed under these licences.

VII. Special licences will also be granted by the Collector in consultation with the Assistant Commissioner of Excise when the circumstances are such as not to allow of the issue of licences of any of the above descriptions on such terms and conditions and for such period as he may on each occasion determine.

VIII. Auctioneer's licence—Annual fee Rs. 5.—The following are important provisions of this licence:

(a) Liberty to give sample bottles in respect of all consignments, whether trade consignments or property of private persons, in order that intending purchasers may have the opportunity of testing high class wines and spirits at their own houses before the auction sale.

(b) Authority to sell wines, spirits and beer in less quantities than whole dozens of each description in the case of sales by

auction of the property of private parties or estates or of trade consignments which are ullaged or otherwise unmerchable.

- (c) Authority to sell by auction at place other than that specified in the licence, *viz.*, at any private residence at which the licensee may hold an auction.

IX. Licences for the sale of pure rectified spirits. These will be issued to chemists and druggists and other firms or persons specially approved by the Collector on payment of an annual fee of Rs. 10. Under these licences the possession of pure rectified spirits in excess of ten imperial gallons (or such larger quantity as the Collector may, in consultation with the Assistant Commissioner of Excise, specially authorise) is prohibited. Pure rectified spirits must not be sold under these licences for other than *bona fide* medical, industrial or scientific purposes and the maximum limit of sale at one time to the same person is restricted to one reputed pint in the case of sale to a private individual, two reputed quarts in the case of sale to a chemist, medical practitioner or scientific body and three imperial gallons to any Government, Local Fund or Municipal Hospital.

X. Licences for the sale of medicated wines and similar preparations containing 20 per cent. and upwards but not more than 42 per cent. of proof spirit will be issued by Collector on payment of an annual fee of Rs. 10.

XI. Licences for compounding  $\frac{\text{or}}{\text{and}}$  blending foreign liquors will be granted to holders of wholesale licences by Collector at an annual fee of Rs. 50.

XII. Licences for bottling foreign liquor, including beer brewed locally on English principles, will be granted to holders of wholesale licences and to licensed brewers by the Collector on payment of an annual fee of Rs. 50.

XIII. Canteen licences will be issued by the Collector on the recommendation of the General Officer Commanding the Brigade to contractors under the Military Canteen Tenant System, at an annual fee of Rs. 24 or 12. The privilege extends to the sale of foreign liquor excluding "Indian" beer to *bona-fide* members of a regiment to which the institute is attached and to persons duly authorized under the Army Regulations to use such canteen, to be consumed on the premises. The hours of sale will be fixed by the Collector.

3. Any two or more of the above kinds of licences may be granted to the same person for the sale of liquor in the same premises.

4. No premises shall be used for the sale of liquor unless and until approved by the Collector.

5. All licensees shall maintain and furnish to the Collector statistics showing separately the consumption of imported foreign liquors and locally made spirits and beers.

6. All licences (other than occasional and special licences) will have effect for the official year, *i.e.*, from the 1st April in each year until the 31st March of the following year.

7. The fixed fees exceeding Rs. 50 on all licences (other than special and occasional licences) will be payable in two instalments, one half being payable when the licence is issued and the other half at the beginning of the second half-year, *viz.*, 1st October, or in the cases where the fees exceed Rs. 500, in four equal quarterly instalments.

8. All further information may be obtained and forms of licences may be procured at a charge of 2 annas each at the office of the Collector.

### FORM 1.

#### *Arrack Shop Licence.*

I, \_\_\_\_\_, Collector of the Civil and Military Station of Bangalore, under the provisions of the Excise Regulation I of 1915, hereby license you \_\_\_\_\_ son of \_\_\_\_\_ residing at \_\_\_\_\_ to establish a shop at \_\_\_\_\_ for the sale of country spirits therein from the 1st day of July 19 \_\_\_\_\_ to the 30th day of June 19 \_\_\_\_\_, subject to the following conditions and stipulations to be observed by you, the said \_\_\_\_\_:—

General conditions applicable to all Excise and Opium licences.

Conditions applicable to arrack licences.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

#### *Schedule showing the Boundaries of the Shop.*

| Street and door number and other particulars. | BOUNDED ON THE: |         |          |         | REMARKS. |
|---|-----------------|---------|----------|---------|----------|
|   | North by        | East by | South by | West by |          |
|   |                 |         |          |         |          |
|   |                 |         |          |         |          |
|   |                 |         |          |         |          |
|   |                 |         |          |         |          |
|   |                 |         |          |         |          |
|   |                 |         |          |         |          |
|   |                 |         |          |         |          |
|   |                 |         |          |         |          |
|   |                 |         |          |         |          |

Collector.

**CIVIL AND MILITARY STATION OF BANGALORE.—(VIII.—Orders 765  
under Acts locally applied.)**

*Counterpart Agreement.*

Having been authorised by the Collector of the Civil and Military Station of Bangalore to establish a shop for the vend of country spirits at \_\_\_\_\_, in the Civil and Military Station of Bangalore, from the 1st day of July 19\_\_\_\_ to the 30th day of June 19\_\_\_\_, I \_\_\_\_\_, son of \_\_\_\_\_ residing at \_\_\_\_\_, do for myself, my heirs, my legal representatives and assigns, hereby agree with the said Collector that I will well and truly observe and perform the conditions and stipulations contained in the licence No. \_\_\_\_\_, dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, issued to me by the said Collector.

*Signature.*

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

**FORM 2.**

*Licence granted to shop-keepers to vend Toddy.*

I, \_\_\_\_\_, Collector of the Civil and Military Station of Bangalore, under the provisions of the Excise Regulation I of 1915, hereby license you \_\_\_\_\_ son of \_\_\_\_\_ residing at \_\_\_\_\_ to establish a shop at \_\_\_\_\_, for the sale of toddy therein from the 1st day of July 19\_\_\_\_ to the 30th day of June 19\_\_\_\_, subject to the following conditions and stipulations to be observed by you, the said \_\_\_\_\_:

General conditions applicable to all Excise and Opium licences.  
Conditions applicable to toddy licences.

*Schedule showing the Boundaries of the Shop.*

| Street and door number and other particulars. | BOUNDED ON THE |         |          |         | REMARKS. |
|---|----------------|---------|----------|---------|----------|
|   | North by       | East by | South by | West by |          |
|   |                |         |          |         |          |

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

*Collector.*



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*Counterpart Agreement.*

Having been authorised by the Collector of the Civil and Military Station of Bangalore to establish a shop under the tree tax system for the sale of toddy at \_\_\_\_\_ in the Civil and Military Station of Bangalore from the 1st day of July 19 \_\_\_\_ to the 30th day of June 19 \_\_\_\_, I \_\_\_\_\_ son of \_\_\_\_\_ residing at \_\_\_\_\_, do for myself, my heirs, my legal representatives and assigns, hereby agree with the said Collector that I will well and truly observe and perform the conditions and stipulations contained in the licence No. \_\_\_\_\_, dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_, issued to me by the said Collector.

*Signature.*

Dated the \_\_\_\_\_

day of \_\_\_\_\_

19 \_\_\_\_.

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FORM 2(a).

*Toddy Depot Licence.*

I, \_\_\_\_\_, Collector of the Civil and Military Station of Bangalore, under the provisions of the Excise Regulation I of 1915, hereby license you \_\_\_\_\_ son of \_\_\_\_\_ residing at \_\_\_\_\_ to store toddy in the premises specified in the accompanying schedule from the 1st day of July 19 \_\_\_\_ to the 30th day of June 19 \_\_\_\_ subject to the following conditions and stipulations to be observed by you the said \_\_\_\_\_, viz. :—

1. The privilege conferred by this licence extends only to the storage and issue to the several licensed toddy shops in the Station of toddy from date, cocoanut, sago and dadasal palm trees in the territories of the Mysore State, which subject to the tree tax rules in force in that State may be obtained in the groves assigned for the supply of toddy to the shops in the Station as specified in the schedule annexed or if permitted by the Mysore Durbar from the trees in private lands under private arrangements between you and the owners of such lands.

2. The transport of such toddy from the depot to the shops shall be covered by a special permit in the annexed form, copies of which may be obtained from the Assistant Commissioner of Excise. Such permits shall be signed by the licensee or other person duly authorised by the Collector to issue them on behalf of the licensee. No transport shall be conducted before sunrise or after 6 p.m.

3. The licensee shall not keep in the depot toddy unfit for consumption. Such toddy shall be removed for vinegar under a permit which may be granted by the Assistant Commissioner of Excise or be destroyed.

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in the presence of an Excise officer. It shall rest with the Assistant Commissioner of Excise to decide as to whether the toddy is fit for consumption as toddy or not.

4. The licensee shall not transport any toddy from the frontier line of the Civil and Military Station of Bangalore to the depot without a permit. General permit for such transport will on application be granted by the Assistant Commissioner of Excise.

*List of palm groves assigned to the shops in the Civil and Military  
Station of Bangalore.*

| Names of taluk to which trees have been assigned. | Names of villages where the trees are situated. | Survey No. | Approximate No. of trees. | REMARKS. |
|---|---|------------|---------------------------|----------|
|   |   |            |                           |          |

*Schedule showing the Boundaries of Depot.*

| Street and door number and other particulars. | BOUNDED ON THE |         |          |         | REMARKS. |
|---|----------------|---------|----------|---------|----------|
|   | North by       | East by | South by | West by |          |
|   |                |         |          |         |          |

*Collector.*

Dated the                      day of                      19     .

*Here enter*

General conditions applicable to all Excise and Opium licences.

# FORM 3.

## *Ganja Shop Licence.*

I, \_\_\_\_\_, Collector of the Civil and Military Station of Bangalore, under the provisions of the Excise Regulation I of 1915, hereby license you \_\_\_\_\_ son of \_\_\_\_\_ residing at \_\_\_\_\_ to establish a shop at \_\_\_\_\_ for the sale of ganja, charas, bhang and other intoxicating drugs prepared from the hemp plant therein <sup>1</sup>[from the first day of July 19 \_\_\_\_ to the 30th day of June 19 \_\_\_\_] subject to the following conditions and stipulations to be observed by you, the said \_\_\_\_\_ :-

*Here enter.*

General conditions applicable to all Excise and Opium licences. Conditions applicable to ganja licences.

## *Schedule showing the Boundaries of the Shop.*

| Street and door number and other particulars. | BOUNDED ON THE |         |          |         | REMARKS. |
|---|----------------|---------|----------|---------|----------|
|   | North by       | East by | South by | West by |          |
|   |                |         |          |         |          |

*Collector.*

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

## *Counterpart Agreement.*

Having been authorised by the Collector of the Civil and Military Station of Bangalore to establish a shop for the vend of ganja, charas, bhang and other intoxicating drugs prepared from the hemp plant at \_\_\_\_\_ in the Civil and Military Station of Bangalore, from the 1st day of April 19 \_\_\_\_ to the 31st day of March 19 \_\_\_\_, I, \_\_\_\_\_ son of \_\_\_\_\_, residing at \_\_\_\_\_, do for myself, my heirs, my legal representatives and assigns, hereby agree with the said Collector that I will well and truly observe and perform the conditions and stipulations contained in the licence No. \_\_\_\_\_, dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_, issued to me by the said Collector.

*Signature.*

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

<sup>1</sup> Substituted by Notification No. 27, dated the 28th February, 1924. *Mysore Residency Orders, 1924, Pt. I, p. 111.*

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under Acts locally applied.)**

**FORM 4.**

*Beer Tavern Licence.*

I, \_\_\_\_\_, Collector of the Civil and Military Station of Bangalore, under the provisions of the Excise Regulation I of 1915, hereby license you \_\_\_\_\_, son of \_\_\_\_\_, residing at \_\_\_\_\_, to establish a shop at \_\_\_\_\_, for the sale of Indian Beer therein from the 1st day of April 19\_\_\_\_ to the 31st day of March 19\_\_\_\_, subject to the following conditions and stipulations to be observed by you, the said \_\_\_\_\_:—

*Here enter*

General conditions applicable to all Excise and Opium licences. Conditions applicable to Beer Tavern Licences.

*Schedule showing the Boundaries of the Shop.*

| Street and door number and other particulars. | BOUNDED ON THE |         |          |         | REMARKS. |
|---|----------------|---------|----------|---------|----------|
|   | North by       | East by | South by | West by |          |
|   |                |         |          |         |          |

*Collector.*

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

*Counterpart Agreement.*

Having been authorised by the Collector of the Civil and Military Station of Bangalore to establish a shop for the vend of Indian Beer at \_\_\_\_\_, in the Civil and Military Station of Bangalore, from the 1st day of April 19\_\_\_\_ to the 31st day of March 19\_\_\_\_, I, \_\_\_\_\_, son of \_\_\_\_\_, residing at \_\_\_\_\_, do for myself, my heirs, my legal representatives and assigns, hereby agree with the said Collector that I will well and truly observe and perform the conditions and stipulations contained in the Licence No. \_\_\_\_\_, dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ issued to me by the said Collector.

*Signature.*

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

*under Acts locally applied.)*

FORM 5.

*Foreign Liquor Tavern Licence.*

I, \_\_\_\_\_, Collector of the Civil and Military Station of Bangalore, under the provisions of the Excise Regulation I of 1915, hereby license you \_\_\_\_\_, son of \_\_\_\_\_, residing at \_\_\_\_\_, to establish a shop for the sale of foreign liquors therein from the 1st day of April 19 \_\_\_\_\_ to the 31st day of March 19 \_\_\_\_\_ subject to the following conditions and stipulations to be observed by you the said \_\_\_\_\_ :-

*Here enter.*

General conditions applicable to all Excise and Opium licences. Conditions applicable to Foreign Liquor Tavern Licences.

*Schedule showing the Boundaries of the Shop.*

| Street and door number and other particulars. | BOUNDED ON THE |         |          |         | REMARKS. |
|---|----------------|---------|----------|---------|----------|
|   | North by-      | East by | South by | West by |          |
|   |                |         |          |         |          |

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ *Collector.*

*Counterpart Agreement.*

Having been authorised by the Collector of the Civil and Military Station of Bangalore to establish a shop for the vend of foreign liquors at \_\_\_\_\_, in Civil and Military Station of Bangalore, from the 1st day of April 19 \_\_\_\_\_ to the 31st day of March 19 \_\_\_\_\_, I, \_\_\_\_\_, son of \_\_\_\_\_, residing at \_\_\_\_\_, do for myself, my heirs, my legal representatives and assigns, hereby agree with the said Collector that I will well and truly observe and perform the conditions and stipulations contained in the licence No. \_\_\_\_\_, dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, issued to me by the said Collector.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ *Signature.*

FORM 6.

*Wholesale Foreign Liquor Licence.*

I, \_\_\_\_\_, Collector of the Civil and Military Station of Bangalore, under the provisions of the Excise Regulation I of 1915, in consideration of the payment of a fee of Rs. '[150]', the receipt of which is hereby acknowledged, hereby license you \_\_\_\_\_ to vend foreign liquors at \_\_\_\_\_ in the Civil and Military Station of Bangalore, during the official year ending 31st March 19\_\_\_\_, subject to the following conditions and stipulations to be observed by you, the said \_\_\_\_\_, viz. :—

1. The privilege extends only to the sale of foreign liquors, excluding "Indian Beer" in quantities not less than one imperial gallon or six reputed quart bottles or one dozen reputed pint bottles in one transaction, but samples may be issued to licensed dealers only in quantities not exceeding a pint.

2. The licensee is prohibited from rectifying spirits by purifying, colouring, flavouring or mixing any material therewith and from blending foreign liquor except in accordance with the terms of a separate licence.

3. Every bottle or receptacle containing liquor that has been compounded or blended in India for sale must be labelled as having been compounded or blended in India. Every receptacle containing beer brewed in India and received into or kept for sale shall be conspicuously labelled or branded with the words "Beer brewed in India". No liquor shall be bottled except under a separate licence. Every bottle or other receptacle containing foreign liquor bottled in the Station shall bear a label affixed to it by the bottler in accordance with the terms of its bottling licence.

4. The possession or sale of diluted beer by the licensee is prohibited.

5. If the licensee holds any other licence for the sale of foreign liquor on the same premises he must keep his accounts of transactions under it separate from those under this licence.

6. Liquor sold under this licence shall not be consumed on the premises.

7. The minimum strengths at which imported and locally made foreign spirits can be sold are 35° under proof for gin and 25° under proof for all other kinds of spirits including Italian attack except denatured spirits and Malabar, Cochin and Colombo arrack and D. D. Rum.

8. The hours of sale shall be between 8 A.M. and 9 P.M., unless specially permitted otherwise by the Collector.

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<sup>1</sup> Substituted by Notification No. 2, dated the 16th January, 1923. *Minor Revenue Orders*, 1923, Pt. I, p. 69.



brewed in India and received into or kept for sale shall be conspicuously labelled or branded with the words "Beer brewed in India". Every bottle or other receptacle containing foreign liquor bottled in the Station shall bear a label affixed to it by the bottler in accordance with the terms of his bottling licence. If liquor is kept in bottles the bottles must be sealed, wired or secured by capsules or the cork and the top of the neck covered by metallic foil. The licensee is forbidden to alter either the nature of the bottled liquor purchased by him or the labels upon the bottles on pain of forfeiture of his licence.

6. If the licensee holds any other licence for the sale of foreign liquor on the same premises he must keep his accounts of transactions under it separate from those under this licence.

7. Liquor sold under this licence must not be consumed on the premises and the sale of the same in receptacles holding less than a pint is prohibited.

8. The minimum strengths at which imported and locally made foreign spirits can be sold are 35° under proof for gin and 25° under proof for all other kinds of spirits including Italian arrack except denatured spirits and Malabar, Cochin and Colombo arrack and D. D. Rum.

9. The hours of sale shall be between 8 A.M. and 9 P.M., unless specially permitted otherwise by the Collector.

10. No liquor shall be supplied except upon a written order signed by an approved customer which order shall be retained during the currency of the licence and shall be open to inspection by the authorities stated in rule 21 of the general rules applicable to all Excise and Opium licences. Liquors shall not be supplied to any person whom the licensee or his servants have reason to believe to be acting as a go-between for a soldier or sailor of the Royal Navy not entitled under Military Regulations to obtain such liquor in person.

11. No liquor shall be knowingly given or sold to sailors of the Royal Navy or soldiers unless this shop has been specially approved by the General Officer Commanding the Station and such liquor only shall be supplied to them as has been approved by that authority.

*Here enter*

General conditions applicable to all Excise and Opium licences.

*Collector.*

Dated the                      day of

19     .



FORM 8.

*Hotel Licence.*

I, \_\_\_\_\_, Collector of the Civil and Military Station of Bangalore, under provisions of the Excise Regulation I of 1915, in consideration of the payment of fee of Rs. 1[75] the receipt of which is hereby acknowledged, hereby license you,

to vend foreign liquors at your <sup>hotel</sup> <sub>boarding house</sub> situated in house No. \_\_\_\_\_ of \_\_\_\_\_ Road in the Civil and Military Station of Bangalore, during the official year ending 31st March 19\_\_\_\_, subject to the following conditions and stipulations to be observed by the said \_\_\_\_\_, viz. :—

1. The privilege extends to the sale of foreign liquor only to residents in the licensee's <sup>hotel</sup> <sub>boarding house</sub> for their own use and that of their guests or to casual visitors requiring liquor with the meal or meals supplied to them.

2. The licensee is prohibited from rectifying spirits by purifying, colouring or flavouring or mixing any material therewith and from blending foreign liquor.

3. The licensee is prohibited from bottling liquor.

4. The possession or sale of diluted beer by the licensee is prohibited.

5. Every bottle or other receptacle containing liquor that has been compounded or blended in India for sale must be labelled as having been compounded or blended in India. Every receptacle containing beer brewed in India and received into or kept for sale at the licensed premises shall be conspicuously labelled or branded with the words " Beer brewed in India ". Every bottle or other receptacle containing foreign liquor bottled in the Station shall bear a label affixed to it by the bottler in accordance with the terms of his bottling licence. The licensee is forbidden to alter either the nature of the bottled liquor purchased by him or the labels upon the bottles on pain of forfeiture of his licence.

6. That liquor shall not be served before sunrise or after 10 P.M.

7. That the licensee shall not sell liquor for removal from the premises except under and in accordance with the terms of a separate wholesale or retail licence taken out by him.

8. If the licensee holds any other licence for the sale of foreign liquor on the same premises he must keep his accounts of transactions under it separate from those under this licence.

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<sup>1</sup> Substituted by Notification No. 2, dated the 16th January, 1923. *Mysore Residency Orders*, 1923, Pt. I, p. 69.

9. The minimum strengths at which imported and locally made foreign spirits can be sold are 35° under proof for gin and 25° under proof for all other kinds of spirits including Italian arrack except denatured spirits and Malabar, Cochin and Colombo arrack.

*Here enter*

General conditions applicable to all Excise and Opium licences.

*Collector.*

Dated the                      day of                      19                      .

FORM 9.

*Bar Licence.*

I,                      , Collector of the Civil and Military Station of Bangalore, under the provisions of the Excise Regulation I of 1915, in consideration of the payment of a fee of Rs.                      . do hereby license you,                      to vend foreign liquors in your Bar situated in house No.                      of                      Road in the Civil and Military Station of Bangalore during the official year ending 31st March 19                      , subject to the following conditions and stipulations to be observed by you, the said                      , viz. :—

1. The privilege extends to the sale of foreign liquor except D. D. Rum, Colombo, Cochin or Malabar arrack to be consumed on the premises. No liquor shall be sold for removal from the premises except under and in accordance with the terms of a separate wholesale or retail licence taken out by the licensee.

2. The licensee is prohibited from rectifying spirits by purifying, colouring, or flavouring or mixing any material therewith and from blending foreign liquor.

3. The licensee is prohibited from bottling liquor.

4. The possession or sale of diluted beer by the licensee is prohibited.

5. Every bottle or other receptacle containing liquor that has been compounded or blended in India for sale must be labelled as having been compounded or blended in India. Every receptacle containing beer brewed in India and received into or kept for sale at the licensed premises shall be conspicuously labelled or branded with the words "Beer brewed in India". Every bottle or other receptacle containing foreign liquor bottled in the Station shall bear a label affixed to it by the bottler in accordance with the terms of his bottling licence. The licensee is forbidden to alter either the nature of the bottled liquor purchased by him or the labels upon the bottles on pain of forfeiture of his licence.

6. If the licensee holds any other licence for the sale of foreign liquor, he must keep his accounts of transactions under it separate from those under this licence.

7. The minimum strengths at which imported or locally made foreign spirits can be sold are 35° under proof for gin and 25° under proof for all other kinds of spirits including Italian arrack.

8. The licensee shall not open his bar before 10 A.M. or keep it open after 10 P.M. except on special permit to be obtained from the Collector.

*Here enter*

General conditions applicable to all Excise and Opium licences.

*Collector.*

Dated the                      day of                      19                      .

FORM 10.

*Theatre Bar Licence.*

I,                      , Collector of the Civil and Military Station of Bangalore, under the provisions of the Excise Regulation I of 1915, in consideration of the payment of a fee of Rs. 1[250] the receipt of which is hereby acknowledged, hereby license you

to vend foreign liquors in your Theatre Bar situated in house No.                      of                      Road in the Civil and Military Station of Bangalore during the official year ending 31st March 19                      , subject to the following conditions and stipulations to be observed by you, the said                      , viz. :—

1. The privilege extends to the sale of foreign liquor to be consumed on the premises. No liquor shall be sold for removal from the premises except under and in accordance with the terms of a separate wholesale or retail licence taken out by the licensee.

2. The licensee is prohibited from rectifying spirits by purifying, colouring or flavouring or mixing any material therewith and from blending foreign liquor.

3. The licensee is prohibited from bottling liquor.

4. The possession or sale of diluted beer by the licensee is prohibited.

5. The minimum strengths at which imported or locally made foreign spirits can be sold are 35° under proof for gin and 25° under proof for all other kinds of spirits including Italian arrack.

<sup>1</sup> Substituted by Notification No. 2, dated the 16th January, 1923. *Mysore Residency Orders*, 1923, Pt. I, p. 69.

6. The bar shall not be open except between 6 and 12 p.m. and then only for one period of 30 minutes before the first performance begins and further periods of 30 minutes each in the interval of any one performance up to a limit of two intervals in an evening, the hours fixed for the intervals to be approved by the Collector. The bar shall not be open between performances or after a performance closes. This condition may be modified by the Collector to meet special circumstances, for example, the visit of travelling companies.

7. The licence shall be valid only on days on which there is an actual theatrical or bioscope performance going on between the hours 6 and 12 p.m.

8. That liquor shall only be sold to persons *bonâ fide* attending the theatre for the particular performance then going on. [British soldiers below the rank of Sergeants shall not be served with any drink either at their own expense or any one else's expense after 9-30 p.m. except when special permission is given by the Bangalore Brigade Area Headquarters.]

9. That the only entrance to the Bar for the public shall be through the main entrance to the theatre, there being no other entrance from the public street.

*Here enter.*

General conditions applicable to all Excise and Opium licences.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
Collector.

# FORM 11.

## Occasional licence.

I, \_\_\_\_\_, Collector of the Civil and Military Station of Bangalore, under the provisions of the Excise Regulation I of 1915, in consideration of the payment of Rs. \_\_\_\_\_ the receipt of which is hereby acknowledged, hereby license you, to vend foreign liquors at \_\_\_\_\_ from the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, to the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, both days inclusive, subject to the following conditions and stipulations to be observed by you, the said \_\_\_\_\_, viz. :-

1. The privilege extends to the sale of foreign liquor at refreshment stalls in connection with race meetings and public entertainments for consumption on the premises.

<sup>1</sup> Substituted by Notification No. 78, dated the 6th July, 1921. *Mysore Revenue Orders*, 1924, Pt. I, p. 13.

2. The licensee is prohibited from rectifying spirits by purifying, colouring or flavouring or mixing any material therewith.

3. Every receptacle containing spirits flavoured, coloured or compounded in India and received or kept for sale must be conspicuously labelled with the words " Spirit compounded in India ". Every receptacle containing beer brewed in India and received into or kept for sale at the licensed premises shall be conspicuously labelled or branded with the words " Beer brewed in India ". All liquor imported in bulk and bottled in the Station, received or kept for sale, must bear a printed label showing clearly the country of manufacture, the name of the bottler as entered in his licence and the place of bottling. The licensee is forbidden to alter either the nature of the bottled liquor purchased by him or the labels upon the bottles on pain of forfeiture of the licence.

4. The licensee is prohibited from bottling liquor.

5. The possession or sale of diluted beer by the licensee is prohibited.

6. If the licensee holds any other licence for the sale of foreign liquor, he must keep his accounts of transactions under it separate from those under this licence.

7. Liquor sold under this licence must not be removed from the premises.

8. The minimum strengths at which imported and locally made foreign spirits can be sold are 35° under proof for gin and 25° under proof for all other kinds of spirits including Italian arrack.

*Here enter.*

General conditions applicable to all Excise and Opium licences.

*Collector.*

Dated the                      day of                      19                      .

FORM 12.

*Licence granted to Auctioneers for the sale of Foreign Liquors.*

I,    , Collector of the Civil and Military

Station of Bangalore, under the provisions of the Excise Regulation I of 1915, in consideration of the payment of Rs. 1[15] the receipt of which is hereby acknowledged, hereby license you

to sell foreign liquors by auction at your premises in  
and at any private residence.

<sup>1</sup> Substituted by Notification No. 2. dated the 16th January, 1923. *Mysore Residency Orders*, 1923, Pt. I, p. 69.

in the Civil and Military Station of Bangalore at which you may hold auction sales during the official year ending 31st March 19 , subject to the following conditions and stipulations to be observed by you, the said , viz. :—

1. The privilege extends to the sale of foreign liquor by auction in quantities not less than one imperial gallon of each kind of liquor sold at any one time, but this restriction does not apply to the sale of portions of trade consignments, which are ullaged or otherwise unmerchantable or to the case of auction sales of the property of private persons and estates. *Bonâ fide* samples in quantities not exceeding one reputed quart of liquor about to be put up to auction may also be issued.

2. The consumption of liquor sold under this licence on the premises, except that contained in *bonâ fide* sample bottles opened at the time of auction for intending purchasers to taste, is prohibited.

3. The minimum strengths at which imported and locally made foreign spirits can be sold are 35° under proof for gin and 25° under proof for all other kinds of spirits including Italian arrack, except denatured spirits and Malabar, Cochin and Colombo arrack.

*Here enter.*

General conditions applicable to all Excise and Opium licences.

*Collector.*

Dated the                      day of                      19 .

# FORM 13.

*Chemist's Licence.*

I,                      , Collector of the Civil and Military Station of Bangalore, under the provisions of the Excise Regulation I of 1915, in consideration of the payment of Rs. 10 the receipt of which is hereby acknowledged, hereby license you                      to sell pure rectified spirits from your shop at                      in the Civil and Military Station of Bangalore during the official year ending 31st March 19 , subject to the following conditions and stipulations to be observed by you, the said                      , viz. :—

1. The privilege extends only to the sale of rectified spirit which means pure rectified spirit imported from foreign countries by sea or manufactured in this country and excised at the tariff rate of duty.

2. No more than 10 imperial gallons (or such larger quantity as the Resident may especially authorize) of rectified spirit shall be possessed at a time.

3. The sale of rectified spirit otherwise than for *bonâ fide* medical, industrial and scientific purposes is prohibited.

4. No more than one reputed pint of rectified spirit shall be sold in one transaction to any private individual, nor more than two reputed quarts to any chemist, medical practitioner or scientific body, nor more than three imperial gallons to any Government, Local Fund or Municipal Hospital.

5. Every receptacle containing spirits manufactured in India and received or kept for sale must be conspicuously labelled or branded with the words " Spirit manufactured in India ".

6. If the licensee holds any other licence for the sale of foreign liquor on the same premises, he must keep his accounts of transactions under it separate from those under this licence.

*Here enter.*

General conditions applicable to all Excise and Opium licences.

*Collector.*

Dated the                      day of                      19                      .

FORM 13 (a).

*Licence to Chemists and Druggists for possession and use of rectified spirits in the manufacture of drugs, medicines or chemicals.*

I,                      , Collector of the Civil and Military Station of Bangalore, <sup>1</sup>[under the provisions of the Excise Regulation I of 1915, in consideration of the payment of Rs. 10 the receipt of which is hereby acknowledged], hereby license you,                      residing at                      , to possess rectified spirits for use in the manufacture of drugs, medicines and chemicals, during the year ending                      19                      , subject to the following conditions and stipulations to be observed by you the said                      :—

*Conditions.*

1. This licence extends only to the possession and use of rectified spirits in the manufacture of drugs, medicines or chemicals. The licensee shall be bound by the general conditions applicable to all Excise licences as notified by the Resident from time to time, as far as they concern him, and also by the following special conditions.

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<sup>1</sup> Inserted by Notification No. 2, dated the 16th January, 1923. *Mysore Residency Orders*, 1923, Pt. I, p. 69.

2. The spirit shall be imported on a pass granted by the Assistant Commissioner of Excise on payment of duty at Rs. \_\_\_\_\_ per proof gallon, if the spirit was manufactured in any place in India beyond the limits of British India.

3. The spirit thus obtained shall be kept only in the place of manufacture and shall not be sold or utilised otherwise than for the purpose for which the licence is granted; nor shall it be transferred to any other person.

4. The premises in which the manufacture is carried on shall be open to inspection by any officer of the Excise Department not below the rank of Sub-Inspector: and the Assistant Commissioner of Excise shall be furnished with such information regarding the quantity of the spirit used in such manufacture, etc., as may be required by him.

5. A correct account shall be kept of the daily transactions under this licence in the following form. Such account, together with the licence, permits and the stock of spirit, shall be produced immediately on demand for inspection by any Excise Officer of not lower rank than Sub-Inspector:—

[illegible]

6. An inspection note-book shall also be maintained intact with the pages numbered consecutively so that officers inspecting the premises may enter the remarks therein. The note-book shall be handed over to the Assistant Commissioner of Excise or any officer authorised by him to receive it at any time on a receipt being given therefor.

7. In case of breach of any of the conditions of this license, it shall be competent to the Collector to impose a fine not exceeding Rs. 100 for every such breach of such conditions, or to cancel the licence forthwith.



8. The imposition of a fine or cancellation of this licence under the foregoing condition shall not be held to prevent the holder of the licence from being prosecuted under the Excise Regulation I of 1915.

9. This licence shall be revocable by the Collector with the previous sanction of the Resident for any other cause, on giving fifteen days' notice of such revocation.

Dated the

day of

Collector.

19 .

FORM 14.

*Licence for the sale of Medicated Wines and similar preparations containing 20 per cent. and upwards but not more than 42 per cent. of proof spirit.*

I, \_\_\_\_\_, Collector of the Civil and Military Station of Bangalore, under the provisions of the Excise Regulation I of 1915, in consideration of the payment of Rs. 10 the receipt of which is hereby acknowledged, hereby license you \_\_\_\_\_ to sell medicated wines and similar preparations in your shop at \_\_\_\_\_, during the official year ending 31st March 19\_\_\_\_, subject to the following conditions and stipulations to be observed by you the said \_\_\_\_\_, viz. :—

1. The privilege extends only to the sale as tonic or medicine of medicated wines and similar preparations containing 20 per cent. and upwards but not more than 42 per cent. of proof spirit.

2. The licensee shall when called on to do so by officers authorized to inspect the hops, furnish proof that the preparations kept for sale do not contain more than 42 per cent. of proof spirit. The proof shall be either (1) a certificate of the Collector of Sea Customs at the port of import, (2) a certificate of purchase from the importer, together with a copy of the certificate of the Collector of Sea Customs or (3) a certificate from the Board's Laboratory, Madras.

3. Samples of medicated and similar preparations manufactured locally shall be submitted by the maker to the Board's Laboratory, Madras, through the Collector for determination of the percentage of proof spirit in them.

4. Special exemptions from maintaining accounts may be granted by the Collector to licensees on their showing good grounds for the exemption.

*Here enter.*

General conditions applicable to all Excise and Opium licences.

Dated the

day of

Collector.  
19 .

FORM 15.

*Licence for compounding and blending foreign liquor for the purpose of sale.*

Licence is hereby granted for a period of one year ending 31st March 19 , to holding licence for the wholesale vend of foreign liquor for the privilege to compound or blend imported and locally made  
compound locally made  
liquor at .

1. The licensee shall be bound by the general conditions applicable to all Excise and opium licences so far as they concern him and the following conditions which are special.

2. The licence allows the licensee to compound or blend or reduce to the strengths prescribed by the Hon'ble the Resident, duty paid foreign liquor, whether imported or made in India as the case may be and to add thereto such colouring or flavouring matter as may be sanctioned by the Resident and in such proportion as he may, on examination, direct.

3. The licensee shall be bound by the provisions of the Excise Regulation I of 1915, and the rules framed thereunder as far as they may concern him.

4. The licensee shall pay in advance to Government a fee of Rs. 50 for the year.

5. The licence authorises the licensee to carry on operations of compounding or blending at the premises named herein only.

6. Any officer of the Excise Department of and above the rank of a Sub-Inspector may enter in and remain upon the licensed premises so long as may be necessary for the proper execution of his duties and the licensee shall not obstruct him in the performance of his duties.

7. The liquor to be operated on and the materials, if any, to be added thereto, shall alone be kept on the premises described hereunder and the said premises shall be properly marked or numbered, and the numbers or marks thereon shall be painted in oil colours on some part of the door or other conspicuous place in each room.

8. Every vessel containing any material to be added to spirit or wine shall be clearly marked in English characters with a true description of its contents.

9. The licensee shall enter in a stock book the quantity, description and strength of any spirit received on the premises described in this licence. He shall also enter separately the quantities and descriptions of colouring or flavouring materials so received. The stock book should be accessible to any of the officers referred to in condition 6 above at all reasonable hours and should be preserved for twelve months after the period covered by the licence.

10. Any officer of the Excise Department not below the rank of Sub-Inspector may take samples of any liquor or materials found on the premises described in this licence on payment of the current wholesale price of such samples.

11. When any operations of blending or compounding are to be carried on by the licensee on the premises licensed hereunder he should give timely intimation to the Assistant Commissioner of Excise regarding the days and hours during which such operations will be carried on.

12. Infraction of any of the conditions of the licence by the licensee or by any person in his employment will entail on the licensee either a fine up to Rs. 50 or cancellation of the licence.

*Here enter.*

General conditions applicable to all Excise and Opium licences.

*Collector.*

Dated the                      day of                      19 .

FORM 16.

*Licence for the bottling of Foreign Liquor for sale.*

Licence is hereby granted for a period of one year ending 31st March 19 , to                      holding licence for the wholesale vend of foreign liquor for the privilege of bottling <sup>imported and locally made</sup> foreign liquor for sale at No.                      locally made

Road.

1. The licensee shall be bound by the general conditions applicable to all Excise and Opium licences so far as they concern him and by the following conditions which are special to this licence.

2. The licensee shall be bound by the provisions of the Excise Regulation I of 1915, and by the rules framed thereunder, so far as they concern him.

3. The licensee shall pay in advance a fee of Rs. 50 for the year.

4. Any officer of the Excise Department of and above the rank of a Sub-Inspector may enter in and remain upon the licensed premises so long as may be necessary for the proper execution of his duties and the licensee shall not obstruct him in the performance of his duties.

5. This licence authorizes the licensee to carry on the business of bottling at the premises named therein only.

6. Every bottle or other receptacle after filling must be corked at once and the cork secured either by wiring, sealing, capsuling or by an adhesive band.

7. Every bottle or other receptacle containing foreign liquor blended or compounded in India and filled on the premises shall bear a label correctly and truly specifying—

- (i) the country of origin of the principal constituent of such liquor,
- (ii) the nature of the contents, i.e., whether whisky, brandy, gin, rum or wine,
- (iii) the name of the place where it is filled,
- (iv) the name of the bottler.

8. Every bottle or other receptacle filled on the premises with liquor, imported in bulk from foreign countries shall bear a label correctly and truly specifying—

- (i) the country of origin of the liquor,
- (ii) the description of liquor,
- (iii) the fact that the bottling was done in India,
- (iv) the name of the bottler.

9. When any operations of bottling are to be carried on by the licensee on the premises licensed hereunder, he should give timely intimation to the Assistant Commissioner of Excise regarding the days and hours during which such operations will be carried on.

10. Infraction of any of the conditions of the licence by the licensee or by any person in his employment will entail in the licensee either a fine up to Rs. 50 or cancellation of the licence.

*Here enter.*

General conditions applicable to all Excise and Opium licences.

Collector.

Dated the                      day of                      19                      .

FORM 17.

*Licence for the retail vend of foreign liquors excluding "Indian" beer at a Military Canteen established under the "Canteen tenant" system.*

I,    , Collector of the Civil and Military Station of Bangalore, under provisions of the Excise Regulation

I of 1915, in consideration of the payment of a fee of Rs. <sup>1</sup>[ $\frac{2}{10}$ ] per annum the receipt of which is hereby acknowledged, hereby license you to sell foreign liquor at the Regimental Institute at during the official year ending 31st March 19 , subject to the following conditions and stipulations to be observed by you the said , viz.:—

1. That the privilege extends to the sale of Foreign Liquors excluding “ Indian ” beer.

*N.B.*—The term “ Foreign liquor ” includes all wines, spirits and beer imported into the Station by sea or land, plain rectified spirits imported or locally made and on which the tariff rate of duty has been paid; all spirits manufactured or compounded in the country and made in colour and flavour to resemble gin, brandy, whisky or rum (or spirits made in Malabar from cocoanut toddy called “ Malabar arrack ”) and excised at <sup>2</sup>[Rs. 17-8-0 per proof gallon]; and beer brewed in India or beer imported in a condensed form and afterwards converted into potable beer and duly excised but excludes denatured spirits and ordinary arrack.

2. That the licensee effects his sale of liquors only at the canteen or place appointed for the purposes by the Military authorities and that he does not sell liquor at any other place or establish a second place of vend without another separate licence.

*N.B.*—Tenants are allowed to establish a second place of vend without taking a separate licence in cases where a portion of a regiment is detached for training and other purposes or is left behind.

3. That he do not store any liquors to be sold under this licence in any premises other than those endorsed on the back of the licence.

4. That he do not transfer his licence to any other person without the previous sanction of the undersigned.

5. That he sell no liquor of any description to persons other than those attached to the regiment for which this licence is granted or duly authorized under the regulations of the army to use such canteen.

6. That he do not wilfully adulterate or deteriorate any liquors sold by him or sell the same knowing them to have been adulterated or deteriorated or store or permit to be stored in his canteen any such liquor in an adulterated or deteriorated state.

*N.B.*—Tenants are permitted to store and sell liquors diluted with mineral water with the permission of the General Officer Commanding.

7. That he do not rectify spirits by purifying, colouring or flavouring or mixing any material therewith and from blending foreign liquor.

8. That he do not bottle liquor.

9. That he do not possess or sell diluted beer.

<sup>1</sup> Substituted by Notification No. 2, dated the 16th January, 1923. *Mysore Residency Orders*, 1923, Pt. I, p. 69.

<sup>2</sup> Substituted by Notification No. 2, dated the 6th January, 1926. *Mysore Residency Orders*, 1926, Pt. I, p. 67.

10. That every bottle or other receptacle containing liquor that has been compounded or blended in India for sale must be labelled as having been compounded or blended in India. Every receptacle containing beer brewed in India and received into or kept for sale at the licensed premises shall be conspicuously labelled or branded with the words "Beer brewed in India". Every bottle or other receptacle containing foreign liquor bottled in the Station shall bear a label affixed to it by the bottler in accordance with the terms of his bottling licence. The licensee is forbidden to alter either the nature of the bottled liquor purchased by him or the labels upon the bottles on pain of forfeiture of his licence.

11. That the licensee sells no liquor below the minimum strengths of 35° under proof for gin and 25° under proof for all other kinds of spirits including Italian arrack but excluding denatured spirits and Malabar, Cochin and Colombo arrack.

12. That he do not receive any wearing apparel or other effects in barter for any excisable article the sale of which is covered by this licence.

13. That he at once produce for inspection on demand by any Excise officer of not lower rank than Sub-Inspector this licence and his accounts, that he furnish the Assistant Commissioner of Excise with such returns and information as may be required by the latter and that he do not prevent any Excise officer not below the rank of Sub-Inspector from inspecting his canteen.

14. That in case of violation of any of the above conditions, the Collector will be competent to impose a fine not exceeding Rs. 100 for every violation of such condition or subject to the approval of the Resident cancel the licence.

15. That the imposition of a fine or cancellation of this licence under the foregoing condition shall not be held to prevent the holder of the licence from being prosecuted under the Excise Regulation I of 1915.

16. That the licence shall also be revocable by the Collector for any other cause after 15 days' notice of such revocation.

Dated the                      day of                      Collector.  
19                      .  
Place of storing.

The holder of this licence is authorized to store the liquors to be sold  
under this licence at                      in the                      from  
to the                      19                      .

Dated the                      day of                      Collector.  
19                      .

[Mysore Residency Orders, 1922. Pt. I, p. 124 ]

*Exemption of Stovaine from Excise restrictions.*

No. 77, dated the 27th August, 1925.—In exercise of the powers conferred by section 62 of the Excise Regulation, 1915 (I of 1915), as applied to the Civil and Military Station, Bangalore, the Hon'ble the Resident in Mysore is pleased to exempt Stovaine from the Cocaine Rules published with his Notification<sup>1</sup> No. 15, dated the 20th February, 1923, and to permit the import, export and transport of the same without any Excise restriction.

[Mysore Residency Orders, 1925, Pt. I, p. 28.]

*Exemption of Novocaine from Excise restrictions.*

No. 29, dated the 3rd March, 1926.—In exercise of the powers conferred by section 62 of the Excise Regulation, 1915 (I of 1915), as applied to the Civil and Military Station of Bangalore, the Hon'ble the Resident in Mysore is pleased to exempt Novocaine from the Cocaine Rules published with his Notification<sup>1</sup> No. 15, dated the 20th February, 1923, and to permit the import, export and transport of the same without any Excise restriction.

[Mysore Residency Orders, 1926, Pt. I, p. 90.]

*Exemption of alypin from Excise restrictions.*

No. 31, dated the 8th March, 1926.—In exercise of the powers conferred by section 62 of the Excise Regulation 1915 (I of 1915), as applied to the Civil and Military Station of Bangalore, the Hon'ble the Resident in Mysore is pleased to exempt *Alypin* from the Cocaine Rules published in his Notification<sup>1</sup> No. 15, dated the 20th February, 1923, and to permit the import, export and transport of the same without any Excise restriction.

[Mysore Residency Orders, 1926, Pt. I, p. 90.]

*Exemption from duty of rectified spirit imported for the Indian Institute of Science.*

No. 47, dated the 12th June, 1909.—Under the provisions of section 66 of the Excise Act, 1896 (XII of 1896),<sup>2</sup> as applied to the Civil and Military Station of Bangalore, the Resident is pleased to exempt, from the payment of duty, rectified spirit imported into the said Civil and Military Station for the Indian Institute of Science for purposes of Scientific Research.

[Gazette of India, 1909, Pt. II, p. 1001.]

<sup>1</sup> Printed *supra*, p. 694.

<sup>2</sup> See now the Excise Regulation, 1915, as applied by Notification No. 261-I, dated the 24th April, 1929, *supra*, p. 89.

*Exemption from duty of 40 gallons of rectified spirit imported annually  
for agricultural laboratory.*

No. 54, dated the 21st October, 1916.—Under the provisions of section 67 of the Excise Regulation, I of 1915, as applied to the Civil and Military Station of Bangalore, the Resident is pleased to exempt from the payment of duty, 40 gallons of rectified spirit to be imported into the said Station annually, by the Deputy Director of Agriculture, Planting Districts, Southern India, for purposes of scientific investigation at his laboratory in the Station.

2. This cancels Residency Notification No. 43, dated the 15th August, 1911.

[Mysore Residency Orders, 1916, Pt. I, p. 125.]

*Exemption from duty of 2 gallons of rectified spirit to be imported into  
the Civil and Military Station by the Health Department.*

No. 3, dated the 6th February, 1918.—Under the provisions of section 67 of the Excise Regulation, I of 1915, as applied to the Civil and Military Station of Bangalore, the Hon'ble the Resident is pleased to exempt from the payment of duty, two gallons of rectified spirit to be imported into the said station annually by the Health Department of the Civil and Military Station Municipality, Bangalore, for public and scientific purposes.

[Mysore Residency Orders, 1918, Pt. I, p. 158.]

*Exemption of medicinal preparations from the operations and restrictions  
of the Excise Regulation, 1915.*

No. 47, dated the 28th July, 1916.—Under the provisions of rules 9 and XI of Notification No. 16<sup>1</sup> and 18<sup>1</sup> respectively, dated the 1st March, 1916, the Hon'ble the Resident in Mysore is pleased to exempt the following preparations from the operation of all prohibition and restrictions contained in the Excise Regulation, 1915 (I of 1915), as applied to the Civil and Military Station of Bangalore, and rules made thereunder.

Provided:—

1. That every preparation shall be labelled with the manufacturer's name;
2. That the exemption allowed by these orders shall not extend to preparations manufactured by any maker or firm whose produce may be declared by the Hon'ble the Resident in Mysore to be excluded from the scope of these orders.

<sup>1</sup> Superseded by Notification No. 15, dated the 20th February, 1923. Printed supra, p. 694.





not more than such quantity of cocaine, hydrochloride or other derivative of coca per tablet, trochiscum, pastille, solube, sterile, enule, lamella or fluid irachm, or so blended, as to render it impossible for any such preparation to be taken for the effects of cocaine or any other derivative of coca alone.]

This cancels Residency Notification No. 19, dated the 1st March, 1916.

3. The above exemption does not apply to the prohibition imposed by the notification of the Government of India in the Department of Commerce and Industry, No. 720-79, dated the 4th February, 1911, in respect of the import by sea of the preparations aforesaid by means of the post.

[*Mysore Residency Orders*, 1916, Pt. I, p. 51.]

IX.—Orders under Local Laws.

RULES FOR AVOIDING LOSS THROUGH PUBLIC ACCOUNTANTS, 1896.

*Security to be given by Public Accountants.*

No. 4307, dated the 15th October, 1897.—In exercise of the powers conferred by rule 3 of the rules promulgated with the notification of the Government of India in the Foreign Department,<sup>1</sup> No. 1756-I. A., dated the 29th May, 1896, and with the previous sanction of the Governor General in Council, the Resident in Mysore is pleased to prescribe as follows with regard to the security to be given by Public Accountants in the Civil and Military Station of Bangalore:—

1. The persons from time to time appointed to the posts enumerated in the schedule hereto annexed shall give to the head of the office to which they belong security to the amount noted against their names in cash, or in Savings Bank deposits, or in Government promissory notes, or in Government stock certificates, or, with the special sanction of the Resident, in any other form: Provided that—

- (a) in the case of persons employed by the Municipal Commissioners of Bangalore, otherwise than as cashiers or store-keepers or in the Public Works Department, if the total security prescribed exceeds the aggregate amount of the salary of the appointment for one year, the Municipal Commissioners may accept security in such form as they may see fit for the amount of such excess;
- (b) in the case of persons whose salaries do not exceed ₹20 a month the head of the office to which they belong may accept security in such form as he may see fit;
- (c) where the security is personal, the amount thereof shall be twice that prescribed in the schedule.

*Schedule.<sup>2</sup>*

(Not reprinted.)

[*Gazette of India*, 1897, Pt. II, p. 1216.]

BANGALORE MUNICIPAL LAW, 1897.

*Area and limits of the Civil and Military Station.*

No 1527-I. A., dated the 26th April, 1907.—Under section 4 of the Bangalore Municipal Law, 1897<sup>3</sup>, promulgated under Foreign Depart-

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<sup>1</sup> Printed *supra*, p. 86.

<sup>2</sup> Amended by Notification No. 5596, dated the 20th October, 1907, *Gazette of India*, 1907, Pt. II, p. 1249, and No. 6913, dated the 24th November, 1903, *Gazette of India*, 1903, Pt. II, p. 1403.

<sup>3</sup> Printed *supra*, p. 87.

ment Notification No. 2175-I. A., dated the 9th June, 1897, the Governor General in Council is pleased to declare that the area and limits of the Civil and Military Station of Bangalore shall be as under:

(Not reprinted.)

[*Gazette of India*, 1907, Pt. I, r. 306.]

*Buildings and lands in the exclusive possession of the Military authorities for military purposes.*

No. 613-I., dated the 17th December, 1924.—In pursuance of section 5 of the Bangalore Municipal Law, 1897,<sup>1</sup> the Governor General in Council is pleased, in supersession of the notification of the Government of India in the Foreign and Political Department No. 540-D., dated the 25th January, 1917, as amended by the like Notification No. 1217—1572-I., dated the 30th July, 1923, to notify that the following buildings and lands within the limits of the Civil and Military Station of Bangalore are in the exclusive possession of the Military Authorities for military purposes:—

| Schedule No.   | Sheet No. |
|--|-----------|
| 1. Harris Barracks and Grass Farm Stackyard . . .  | 6 & 7     |
| 2. Moorhouse and Pekin Barracks . . .  | 10 & 11   |
| 3. Barrack Masters Office and Storeyard M. E. Storeyard and Subordinate quarters and Military Grass Farm Subordinate quarters, Richmond Road . . . | 6         |
| 4. Old Pension Pay Master's quarters, Hospital Road (Land leased to Rao Sahib Venkatsawmy Naidu) . .   | 5         |
| 5. Military Engineering Subordinate quarters, Rest House Road . . .  | 5         |
| 6.* Cornwallis Barracks and Grass Farm Stackyard . .   | 10        |
| 7. British Station Hospital (Part of Agram Entrenchment) . . .   | 11        |
| 8. S. D. O. South Store and Office (Old Detention Barracks) . . .  | 10        |
| 9. Strip North of Cubbon Road on which R. A. S. C. Subordinate quarters stand . . .  | 5         |
| 10. Agram Entrenchment and land to the North and East . . .  | 11        |
| 11. Baird Barracks . . .   | 6         |
| 12. Marshall Barracks (Barrack Master's Stores and Class B Quarters: for Married Families Regimental) . .  | 6         |
| 13. Assaye Lines . . .   | 6         |
| 14.* Richmond Lines . . .  | 9 & 10    |
| 15. Strip North of Cubbon Road on which Quarter Master Stores are . . .  | 5         |
| 15-A. Strip North of Cubbon Road between Union St. and Headquarters Office and Armoury A. F. I. . .  | 5         |
| 16. Valve Superintendent's Quarters and Old Storeyard on Museum Road . . .   | 5         |
| 16-A. Storeyard behind Marshall Barracks (now Departmental and Staff Club) . . .   | 6         |

<sup>1</sup> Printed *supra*, p. 87.

\* At present a portion of the land has been leased to the Municipal Commission of the Station.

**CIVIL AND MILITARY STATION OF BANGALORE.—(IX.—Orders under 795  
Local Laws.)**

| Schedule No.  | Sheet No. |
|---|-----------|
| 17-A. Strip North of Cubbon Road between Railway Road and Cunningham Road . . . . .   | 5         |
| 18. Bangalore Brigade and Staff Offices and Staff Clerks Quarters . . . . .   | 5         |
| 19. Old Pension Pay Office (Portion of land leased to Rao Sahib Venkateswamy Naidu) . . . . .   | 5         |
| 20. Staff and Followers Hospital . . . . .  | 5         |
| 21. Indian Station Hospital . . . . .   | 5         |
| 22. Officers Mess, Q. V. O. Madras Sappers and Miners, Promenade Road . . . . .   | 2 & 6     |
| 23. Slaughter House and Sergeants Quarters (a portion of land used by Grass Farm) . . . . .   | 10        |
| 23-A. J. A. S. C. Office and Godown, Bakery Square, Cubbon Road . . . . .   | 5         |
| 23-B. Supply and Transport Grain godowns occupied now by M. T. Company, Residency Road . . . . .  | 6         |
| 24. Alsur Rock and Buildings . . . . .  | 6         |
| 25.* Dhobies Wells (Old Engine House) now used as Indian Dhoby Ghat . . . . .   | 6         |
| 26. Agram Rifle Range . . . . .   | 11        |
| 27. Moanee Lines . . . . .  | 3, 7 & 6  |
| 28. Nil-andra Lines and Grass Farm Stackyard . . . . .  | 9 & 10    |
| 29. Baiderhelli Litter . . . . .  | 1         |
| 30-A. General Parade ground and General Court . . . . .   | 5 & 6     |
| 30-B. Martial room between Cubbon and South . . . . .   |           |
| 30-C. Parade Roads . . . . .  |           |
| 31. Artillery and Cavalry Parade ground and Grass Farm Land (Agram Plain) . . . . .   | 11        |
| 32. Sappers and Miners-Parade ground . . . . .  | 2 & 6     |
| 33-A. Two pieces of land divided by a road on North of Dickenson Road (Dhobi Ghat) . . . . .  | 6         |
| 33-B. British Troops and Indian Personnel Buildings . . . . .   |           |
| 34. High ground between the Residency and Ali Askar Road and the High Ground Reservoir . . . . .  | 5 & 4     |
| 35. Victoria Park and Building including the Dairy (portion of land now used by Grass Farm) . . . . .   | 6 & 10    |
| 36. Strip of lands North of Cubbon Road between Central Street and New Market Road and from Market Street to the St. Andrew's Church Compound . . . . . | 5         |

[Gazette of India, 1924, Pt. I, p. 1079.]

*Exemption of the site of the Indian Institute of Science from certain provisions of the Municipal Law.*

*No. 596-J. A., dated the 7th February, 1908.*—In exercise of the power conferred by section 6 of the Bangalore Municipal Law, 1897<sup>1</sup>, the Governor General in Council is pleased to direct that the land specified in the schedule to the notification of the Government of India in the Foreign Department<sup>2</sup>, No. 595-I. A., dated the 7th February, 1908, shall

\* At present a portion of the land has been leased to the Municipal Commission of the Station.

<sup>1</sup> Printed *supra*, p. 87.

<sup>2</sup> Printed *supra*, p. 171.

be exempt from the operation of all provisions of the said Law except sections 1 to 4 and 6, and of the rules and bye-laws issued thereunder.

[*Gazette of India*, 1908, Pt. I, p. 103.]

*Application of certain provisions of the Cantonments Act, 1924.*

No. 364-I., dated the 19th July, 1926.—In exercise of the powers conferred by section 7 of the Bangalore Municipal Law, 1897,<sup>1</sup> and of all other powers enabling him in that behalf, and in supersession of the notification of the Government of India in the Foreign Department No. 1628-I. B., dated the 30th July, 1912, the Governor General in Council is pleased to apply the provisions of sections 235, 236, 237, 239 and 240 of the Cantonments Act, 1924 (II of 1924), to the Civil and Military Station of Bangalore, subject to the following modifications, namely:—

- (1) References in sections 235, 237 and 239 and the second reference in sub-section (2) of section 236 to “the Officer Commanding the Station” shall be read as referring to the District Magistrate of the Civil and Military Station of Bangalore, and references in sections 235, 236, 237, 239 and 240 to “a cantonment” and “the cantonment” to the Civil and Military Station of Bangalore.
- (2) The Local Government for the purposes of section 239 shall be the Resident in Mysore.
- (3) For sub-section (4) of section 239, the following shall be substituted namely:—  
 “(4) The Local Government may, on its own motion, and shall, on application made to it in this behalf within one month of the date of the order by the person against whom the order has been made, call upon the District Magistrate to make a report of the full facts of the case.”
- (4) Sub-section (6) of section 239 shall be omitted.

[*Gazette of India*, 1926, Pt. I, p. 841.]

*Constitution of the Municipal Commission Electoral Rules.*

No. 37, dated the 16th April, 1928.—In exercise of the powers conferred by sections 8 (2), 8 (3), 9 (2), 175 (1), clauses (b) to (h) and 175 (2) of the Bangalore Municipal Law, 1897,<sup>1</sup> and in supersession of the existing rules, the Resident in Mysore is pleased to make the following rules:—

(In these rules words importing the masculine gender shall be taken to include the feminine.)

1. Under sections 8 (1) and 19 (2) the Municipal Commission is to consist of a President, a Medical Officer, and twenty-six other Commissioners. Of these twenty-six Commissioners, six will be appointed by the Resident, either by name or by office, one shall be elected by the

<sup>1</sup> Printed *supra*, p. 87.

sions 5 and 6 shall be combined for the election of one Muhammedan Commissioner each.

(2) The electorate of all the six divisions shall be combined for the election of one Indian Christian Commissioner.

5. In order to be qualified for election as a Commissioner, a person must:—

- (a) have completed his twenty-fifth year;
- (b) have a sufficient knowledge of the English language to be able to speak to a motion or to follow debates in that language;
- (c) be, at the time of the preparation and publication of the lists required by rule 14, a resident within municipal limits; and
- (d) have been for a period of two years immediately preceding the publication of the said lists, the occupier, as owner, mortgagee or tenant, of a house within such limits, which is valued for assessment purposes at not less than rupees thirty per mensem; or have paid, on his own behalf, for the year immediately preceding the said time, municipal taxes of one or more kinds noted below or Government land revenue, to the aggregate amount not less than twenty rupees:—
  - (i) Tax on carriages, horses or other animals.
  - (ii) Tax upon arts, professions, trades or callings.
  - (iii) Tax on houses, buildings or lands according to the annual value thereof, whether for general purposes or for water-supply.

Provided that when an undivided Hindu family has paid double the taxes or land revenue herein mentioned, any one member thereof, having the other qualifications required, shall be eligible to be elected a Commissioner.

Provided also that no person shall be elected a Commissioner unless his name has been previously entered as a person qualified for election in the lists referred to in Rule 19.

6. A person shall be disqualified for election as a Commissioner if he—

- (a) is an officer or servant of the Municipal Commission; or
- (b) is an uncertificated bankrupt or an undischarged insolvent; or
- (c) has been convicted of any such offence, or has been subjected by a Criminal Court to any such order as implies, in the

*Explanation.*—(1) The electorate of divisions 1 and 2 and of divisions 5 and 6 shall be combined for the election of one Muhammedan Commissioner each.

(2) The electorate of all the six divisions shall be combined for the election of one Indian Christian Commissioner.

5. In order to be qualified for election as a Commissioner, a person must:—

- (a) have completed his twenty-fifth year;
- (b) have a sufficient knowledge of the English language to be able to speak to a motion or to follow debates in that language;
- (c) be, at the time of the preparation and publication of the lists required by rule 14, a resident within municipal limits; and
- (d) have been for a period of two years immediately preceding the publication of the said lists, the occupier, as owner, mortgagee or tenant, of a house within such limits, which is valued for assessment purposes at not less than rupees thirty per mensem; or have paid, on his own behalf, for the year immediately preceding the said time, municipal taxes of one or more kinds noted below or Government land revenue, to the aggregate amount not less than twenty rupees:—
  - (i) Tax on carriages, horses or other animals.
  - (ii) Tax upon arts, professions, trades or callings.
  - (iii) Tax on houses, buildings or lands according to the annual value thereof, whether for general purposes or for water-supply.

Provided that when an undivided Hindu family has paid double the taxes or land revenue herein mentioned, any one member thereof, having the other qualifications required, shall be eligible to be elected a Commissioner.

Provided also that no person shall be elected a Commissioner unless his name has been previously entered as a person qualified for election in the lists referred to in Rule 19.

6. A person shall be disqualified for election as a Commissioner if he—

- (a) is an officer or servant of the Municipal Commission; or
- (b) is an uncertificated bankrupt or an undischarged insolvent; or
- (c) has been convicted of any such offence, or has been subjected by a Criminal Court to any such order as implies, in the



- (ii) be residing within the division for the Commissioner of
- |  |   |
|--|---|
| <p>(a) Tax on carriages, horses or other animals.</p> <p>(b) Tax upon arts, professions, trades or callings.</p> | <p>which he desires to vote, and have paid for the preceding year, municipal taxes of one or more of the kinds noted in the margin to the aggregate amount of not less than five rupees; or</p> |
|--|---|
- (iii) have been for the period of twelve months immediately preceding the said time, the occupier, as owner, mortgagee or tenant, of a house situate within the division for the Commissioner of which he desires to vote, and valued for assessment purposes at not less than eight rupees per mensem; or
- (iv) be a graduate of some University in the United Kingdom, or the British Colonies or India, and be resident within the limits of the division for the Commissioner of which he desires to vote; or
- (v) be the Secretary of, or some other person duly authorised in that behalf, by any company which is registered under the Indian Companies Act, 1882, or under any Act of Parliament, which has its registered office or other place of business in the division for the Commissioner of which he desires to vote, and which has for the preceding year paid taxes under the Municipal Law, to the aggregate amount of not less than twenty-five rupees; or
- (vi) be a person duly authorised in that behalf by a firm which has its place of business in the division for the Commissioner of which he desires to vote and which has, for the preceding year, paid taxes under the Municipal Law to the aggregate amount of not less than twenty-five rupees

Provided that if any dispute arises as to class in which a Company or a firm shall be placed for the purposes of voting, under rule 3, the decision of the President thereon shall be final.

Provided also that no person shall vote unless his name has been previously entered as a person qualified to vote in the lists referred to in rule 19.

8. No person who is of unsound mind, or a deaf mute, shall be qualified to vote.

9. A general election of Commissioners shall take place every third year on any day or days in the month of November that may be fixed by the Resident.

Every candidate for election shall cause to be delivered to the President, at the office of the Municipal Commission not later than 5 p.m., on

any working day not later than the 24th October, a notice in writing showing his name and the division for which he proposes to stand, together with the names of two voters in such division, and in his own class, who respectively propose and second his candidature, and of eight other such voters who approve his nomination.

The President shall publish a list of such candidates in one or more of the local newspapers, and shall also post to each voter the name or names of the candidate or candidates for his division and class save where the number of candidates does not exceed the number to be elected.

If the number of candidates for any division in any class exceeds the number of Commissioners thereunto allotted, the election shall be determined by vote in such place and manner as shall from time to time be directed by the Resident. In other cases the candidates shall be held to be elected.

10. Where an equality of votes is found to exist between any two or more candidates at any election under these rules, and the addition of a vote would entitle one of such candidates to be elected a Commissioner, lots shall be cast and the successful candidate shall thereupon be held to be elected a Commissioner.

11. No person shall be considered as elected unless he has secured the votes of at least one-sixth of the total number of persons entitled to vote for his election.

12. If no candidate presents himself for election in any class of any division, or if no candidate secures the minimum number of votes required, the Resident will appoint a Commissioner to fill the vacant place. The Commissioner so appointed shall, notwithstanding anything contained in rule 1, hold office for a period of two years only.

13. Whoever by any gift or reward, or by any promise or agreement or security for any gift or reward, induces any person to give or forbear to give his vote in any election, shall be deemed to be guilty of corruption; and whoever by threatening another with any injury to his person, reputation or property, or to the person, reputation or property of any one in whom that person is interested, makes that person give or forbear to give his vote in any election, shall be deemed to be guilty of intimidation.

14. Whenever any allegation of corrupt practices or intimidation at an election, is made by a person qualified to vote or to be elected a Commissioner at such election, the same shall be enquired into by the President, who shall submit a report thereof, together with his proceedings in the case, to the Resident. If upon a perusal of such report and proceedings, the Resident finds that the person, against whom the allegation is made, has been guilty of corruption or intimidation, or has connived at or abetted the exercise of corruption or intimidation on his behalf by any other person, he may declare such election to be void.

Any person whose election has been rendered void under this rule, shall be deemed disqualified for election for a period of five years.

15. Lists of persons qualified to be elected and to vote under rules 5, 6 and 7 shall, not later than the 15th day of July preceding each general election, be prepared by the President, printed and published. There shall be one such list for each of the classes referred to in rule 3, and such list shall show separately the names of persons qualified to vote and to stand for election in each division.

16. The President shall publish such lists by affixing copies thereof in some conspicuous place in or near the Municipal Office and in each division. The President shall give notice of such publication in one or more of the local newspapers, and the said lists shall be open to public inspection, at all reasonable times of the day, for fifteen days, after the date of publication of such notice. Copies of such lists shall be supplied to the public at the Municipal Office at cost price.

17. (a) Any person whose name is not in the lists so published, and who claims to have it inserted therein may, within 15 days after such publication, give notice in writing of his claim to the President.

(b) Any person whose name is in the lists may object to any other person as not being entitled to have his name retained therein. Every person objecting shall, within fifteen days from the date of publication of the lists, give to the President notice in writing of the objection and of the nature thereof.

18. The President assisted by three or more Commissioners shall hear and determine the claims and objections which have been duly made as aforesaid, in open office, giving three clear days' notice of the holding of the enquiry by written notice served upon each claimant, person objecting, and person objected to. In the event of a difference of opinion, the matter shall be determined by the opinion of the majority, the President having a casting vote.

The President and the said Commissioners shall insert in the lists the name of every person who has duly claimed to have his name inserted therein, and whose claim is proved to their satisfaction, and they shall expunge from the lists the name of every person proved to be not qualified to be retained therein. They may also correct any clerical error or omission in the lists.

The President and the said Commissioners may adjourn the hearing of any matter under this rule from time to time, but they shall dispose of all claims and objections by the fifteenth day of August.

19. In the event of the President and the said Commissioners rejecting any claim or objection under the last preceding rule, the claimant or objector, and in the event of their accepting any objection, the person aggrieved, may, at any time within fifteen days after such rejection or

acceptance, appeal to the officer holding the appointment of District Judge, and such officer shall, within 30 days after receipt of such appeal, and after such enquiry as he deems necessary make such order for correcting the list or otherwise as shall seem to him fit, and his order shall be final and binding.

20. The lists thus prepared and amended shall remain in force for a period of two years, and printed copies of such lists shall be obtainable on payment of such reasonable fee as may from time to time be prescribed by the President in this behalf.

21. Notwithstanding anything contained in the foregoing rules, it shall be open to any person qualified under rules 5, 6 and 7, on the occurrence of a vacancy which is to be filled by a special election, to apply to the President, within a reasonable time before the date fixed for such election, to have his name inserted in the lists referred to in rule 19. The President may pass such order thereon as he thinks fit, and his order shall be final.

22. No person shall be elected a Commissioner by the Bangalore Trades Association unless he is at the time of the election a member of the said Association.

The election shall be made by the members for the time being of the said Association on such day as may be fixed by the Resident and in such manner as shall from time to time be determined at a meeting of the said Association convened in accordance with the rules at the time in force in this behalf.

The Secretary to the said Association shall make a return in duplicate to the Secretary to the Resident in Mysore setting forth the name in full of the person so elected.

[*Mysore Residency Orders*, 1928, Pt. I, p. 99.]

*Tax on buildings and lands.*

No. 6780, dated the 31st March, 1908.—Under the provisions of section 44, sub-section 8, of the Bangalore Municipal Law, 1897,<sup>1</sup> it is hereby notified that the Municipal Commission of the Civil and Military Station of Bangalore, with the sanction of the Resident in Mysore, direct that with effect from 1st July 1908, the tax on buildings and lands be levied at the rate of 8 per cent. on the annual value thereof in lieu of the taxes imposed by Municipal Office notifications Nos. 4544 and 9928, dated 11th December, 1897 and 20th February, 1899, respectively.

Provided that this tax shall be recovered at the rate of 6 per cent. only from the agriculturists, the house-scavenging of whose houses has not been undertaken by the Municipality.

[*Gazette of India*, 1908, Pt. II, p. 566.]

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<sup>1</sup> Printed *supra*, p. 87.

### *Tax on professions and trades.*

With the sanction<sup>1</sup> of the Government of India a tax on professions and trades was imposed, with effect from the 1st January, 1884, in accordance with sections 56 and 57, and at the rates specified in Schedule C of the Bangalore Municipal Regulations of 1883<sup>2</sup>. It continues in force under section 2 (2) read with section 41 (I) (A) (b) of the Bangalore Municipal Law, 1897.<sup>3</sup>

### *Tax on hawkers.*

*No. 1122, dated the 18th May, 1912.*—Under the provisions of section 44 (8) of the Bangalore Municipal Law, 1897,<sup>3</sup> it is hereby notified that the Municipal Commission for the Civil and Military Station of Bangalore, with the sanction of the Hon'ble the Resident in Mysore, direct the imposition of a tax on all persons carrying on the trade of a " Hawker " in the Civil and Military Station of Bangalore at the undermentioned rates, with effect from the 1st October, 1912:—

#### *1. Hawkers who are not permanent residents in the Station—(Foreign) Hawkers—*

- (i) For dealing in precious stones and jewellery, Rs10 per quarter or portion of a quarter of a year;
- (ii) For dealing in drapery, such as piece-goods, etc., Rs6 per quarter or portion of a quarter of a year.
- (iii) For dealing in hardware and all articles other than precious stones, jewellery and drapery, Rs3 per quarter or portion of a quarter of a year.

#### *2. Hawkers who are permanent residents in the Station—(Local) Hawkers.*—For dealing in any article or articles, Rs1-8 per quarter or portion of a quarter of a year.

[*Gazette of India*, 1912, Pt. II, p. 733.]

### *Tax on Sowcars.*

*No. 7507, dated the 11th December, 1912.*—Under the provisions of Section 44 (8) of the Bangalore Municipal Law, 1897<sup>3</sup>, it is hereby notified that the Municipal Commission for the Civil and Military Station of Bangalore, with the sanction of the Hon'ble the Resident in Mysore, direct the imposition of a tax, with effect from 1st April, 1913, on all persons exercising the profession of a Sowcar, money-lender or pawn-

<sup>1</sup> Letter of the Government of India, No. 2900-I., dated the 26th September, 1883.

<sup>2</sup> Published in Notification No. 319-I., dated the 9th February, 1883. *Gazette of India*, 1883, Pt. I, p. 80.

<sup>3</sup> Printed *supra*, p. 87.

CIVIL AND MILITARY STATION OF BANGALORE.—(IX.—Orders under §05:  
Local Laws.)

broker in the Civil and Military Station of Bangalore at the under-mentioned rates:—

|  |  | Ra. |
|--|--|-----|
| Sowcar, money-lender or pawnbroker in receipt of an estimated or actual income of Rs.1,000 or less per annum . |  | 12  |
| Ditto ditto over Rs.1,000 up to Rs.3,000 per annum .   |  | 25  |
| Ditto ditto over Rs.3,000 up to Rs.5,000 per annum .   |  | 50  |
| Ditto ditto over Rs.5,000 per annum .  |  | 100 |

[*Gazette of India*, 1912, Pt. II, p. 1952.]

*Tar and toll on vehicles and animals.*

No. 4536, dated the 29th September, 1899.—Under the provisions of sections 41 (1) (A), (C), (D) and 44 (7) and (8), Bangalore Municipal Law, 1897<sup>1</sup>, it is hereby notified that the Municipal Commission for the Civil and Military Station of Bangalore, with the sanction of the Resident in Mysore, direct that the following taxes and tolls be levied at the rates mentioned, with effect from the 1st day of January, 1900:—

I. A tax on all or any vehicles, animals used for riding, driving, draught or burden, and dogs, when the vehicles, animals used as aforesaid, and dogs are kept in the station, at the following rates:—

|   | Yearly. <sup>2</sup><br>Rs. |
|---|-----------------------------|
| Four-wheeled carriage on springs drawn by 2 horses .  | 18                          |
| Four-wheeled carriage on springs drawn by one horse or a pair of horses under 13 hands or by bull or bullocks . | 9                           |
| Two-wheeled carriage on springs drawn by a horse, mule, bull or bullock .                                       | 6                           |
| <sup>3</sup> Springless double bullock cart .   | 4                           |
| <sup>3</sup> Springless single bullock cart .   | 1                           |
| Bicycle or tricycle .   | 3                           |
| Horse over 13 hands .   | 9                           |
| Horse of or under 13 hands, or mule .   | 3                           |
| Elephant .  | 24                          |
| Camel .   | 12                          |
| Horse of or under 11 hands .  | 1                           |
| Bullock or bull .   | 1                           |
| Male buffalo .  | 1                           |
| Dog .   | 1                           |
| <sup>4</sup> Motor cycle .  | 10                          |
| <sup>4</sup> Motor car under 15 cwt. .  | 18                          |
| <sup>4</sup> Motor car 15 cwt. or over .  | 36                          |
| <sup>4</sup> Rickshaw .   | 3                           |

<sup>1</sup> Printed *supra*, p. 87.

<sup>2</sup> Yearly rates and assessment were substituted for half-yearly by Notification No. 5692, dated the 6th February, 1911. *Gazette of India*, 1911, Pt. II, p. 329.

<sup>3</sup> Assessed to taxation at this rate by Notification No. 1451, dated the 30th June, 1905. *Gazette of India*, 1905, Pt. II, p. 767.

<sup>4</sup> The rate upon an ass was cancelled by Notification No. 5692, dated the 6th February, 1911. *Gazette of India*, 1911, Pt. II, p. 329.

<sup>5</sup> Assessed to taxation at this rate by Notification No. 4321, dated the 10th November, 1908. *Gazette of India*, 1908, Pt. II, p. 1739.

<sup>6</sup> Assessed to taxation at this rate by Notification No. 4405, dated the 5th January, 1901. *Gazette of India*, 1904, Pt. II, p. 82.

II. A toll on vehicles and animals used as aforesaid entering the station and not liable to taxation under clause I or under the Municipal Regulations for the time being in force in the city of Bangalore:—

|  | Each. |
|--|-------|
|  | a. p. |
| On every 4-wheeled carriage on springs . . . .   | 4 0   |
| On every 2-wheeled carriage on springs . . . .   | 2 0   |
| On every Hackery or cart drawn by men, bulls, bullocks, horses, asses or mules laden . . . .     | 2 0   |
| On every Hackery or cart drawn by men, bulls, bullocks, horses, asses or mules not laden . . . . | 1 0   |
| On every Buffalo, bull or bullock, laden . . . .   | 0 6   |
| On every Horse over 13 hands, laden or ridden . . . .  | 1 0   |
| On every Horse over 13 hands not laden or ridden . . . .   | 0 6   |
| On every Horse of or under 13 hands or ass laden or ridden . . . .                               | 0 6   |
| On every Elephant . . . . .  | 8 0   |
| On every Camel . . . . .   | 1 0   |

The owners of vehicles and animals referred to in clause I above will be assessed <sup>1</sup>[yearly] at the rates mentioned, and the tolls referred to in clause II will be assessed and collected from the person or persons in charge of the vehicles and animals on their entering the station.

[*Gazette of India*, 1899, Pt. II, p. 1245.]

#### <sup>2</sup>*Levy of Octroi.*

No. 3874, dated the 2nd September, 1899.—Under the provisions of section 44, sub-section (8), of the Bangalore Municipal Law, 1897<sup>3</sup>, it is hereby notified that the Municipal Commission for the Civil and Military Station of Bangalore, with the sanction of the Resident in Mysore, directs that an octroi tax be levied, with effect from 1st January, 1900, on the following articles, when imported into the station at the rates entered opposite each:—

(2) A tax on timber in the log at the following rates:—

|                        | per ton of 50 c. ft. |
|------------------------|----------------------|
| Teak . . . . .         | at Rs. 3             |
| Honay . . . . .        | at Rs. 3             |
| Blackwood . . . . .    | at Rs. 2             |
| Other timber . . . . . | at Re. 1             |

<sup>1</sup> See footnote 2 on previous page.

<sup>2</sup> The following octroi duties, viz., on—

|  | Rs. a. p. |
|--|-----------|
| Green cocoanuts per 1,000 . . . . .        | 5 0 0     |
| Dry cocoanuts per maund of 24 lbs. . . . . | 0 8 0     |
| Betel leaves per 100 . . . . .             | 0 0 2     |
| Tobacco per maund of 24 lbs. . . . .       | 3 0 0     |

which were imposed, with effect from the 1st April, 1892, under section 62B of the Bangalore Municipal Regulations of 1883, as amended by Notification No. 1283-I., dated the 25th March, 1892, also continue to be levied, being retained in force by section 2 (2) of the Municipal Law, 1897.

<sup>3</sup> Printed *supra*, p. 87.

(ii) A tax on sawn timber at the following rates:—

|                        | per ton of 50 c. ft. |
|------------------------|----------------------|
| Teak . . . . .         | at Rs. 4             |
| Honay . . . . .        | at Rs. 1             |
| Blackwood . . . . .    | at Rs. 3             |
| Other timber . . . . . | at Rs. 1-8           |

(iii) A tax on roofing tiles, Mangalore pattern, at Rs. 9-0 per cent. *ad valorem*;

(iv) [A tax on piece-goods and other textile fabrics and manufactured articles of clothing and dress at a uniform rate of Rs. 9-0 per cent. *ad valorem*; the term "piece-goods" to include kamblies, coarse cotton country carpet, fabrics of hemp or jute, cotton and linen piece-goods, woollen piece-goods, silken piece-goods, embroidery, other textile fabrics, manufactured articles of clothing and dress.]<sup>1</sup>

*Exemptions.*—Personal baggage of travellers, articles imported through the Post Office and goods *bona fide* the property of Government at the time of import and accompanied by an invoice certified by the departmental head concerned that the property therein belongs to Government, are exempt from payment of these taxes.

[*Gazette of India*, 1899, Pt. II, p. 1065.]

No. 6556, dated the 19th December, 1899.—Under the provisions of sections 41 (7) A (c) and 44 (7) and (8) of the Bangalore Municipal Law, 1897<sup>2</sup>, it is hereby notified that the Municipal Commission for the Civil and Military Station of Bangalore, with the sanction of the Resident in Mysore, directs that an octroi tax, at the rate of 1 per cent. *ad valorem*, be levied on the following articles when imported into the Civil and Military Station, Bangalore, for use or consumption therein, with effect from 21st February, 1900, or such later date as may be decided upon in communication with the Bangalore City Municipal authorities:—

(i) Sugar of all kinds (Jaggery excepted);

(iii) Kulthi gram, bran, oats and chaff.

[*Gazette of India*, 1900, Pt. II, 1. 7.]

#### Water tax.

No. 4773, dated the 25th September, 1899.—Under the provisions of sections 43 and 44 (8) of the Bangalore Municipal Law, 1897<sup>2</sup> it is hereby notified that the Municipal Commission of the Civil and Military Station of Bangalore, with the sanction of the Resident in Mysore and

<sup>1</sup> Substituted by Notification No. 5729, dated the 16th March, 1907. *Gazette of India*, 1907, Pt. II, p. 751.

<sup>2</sup> Printed *supra*, p. 87.



the Governor General in Council, direct the imposition, with effect from the 1st January, 1900, of a water-tax and charges on account of water at the following rates subject to remission and exemptions as hereinafter provided:—

- (i) A water tax at the rate of 6 per cent. per annum on the annual rental valuation of all buildings and lands in the Civil and Military Station, as already calculated for the purposes of house tax, remission being granted on account of vacancies as in the case of house-tax;
- (ii) A charge of one rupee on all buildings to which a house connection has been made for every 1,000 gallons of water used in excess of the quantities which are allowed free of charge according to the following scale:—

|  | gallons per diem. |
|--|-------------------|
| Rs. 8 does not exceed Rs. 12               | 60                |
| Exceeds Rs. 12 but does not exceed Rs. 20  | 90                |
| Exceeds Rs. 20 but does not exceed Rs. 50  | 120               |
| Exceeds Rs. 50 but does not exceed Rs. 75  | 180               |
| Exceeds Rs. 75 but does not exceed Rs. 120 | 240               |
| Exceeds Rs. 120                            | 400               |

- (iii) A charge of eight annas for every thousand gallons of water used for purposes of trade.

For the purposes of clauses (ii) and (iii) the amount by which the water drawn exceeds any whole number of thousands of gallons shall be charged for as if it were one thousand gallons.

The following lands and buildings are exempted from the water-tax and charges notified above:—

- (i) Buildings and lands exclusively used for Military purposes;
- (ii) Buildings ordinarily used as places of public worship;
- (iii) Public, Government and Municipal offices.

[The following lands and buildings are exempted from the water tax, but not from the charges notified above, with effect from the 1st January, 1903:—

- (i) Private buildings and premises which are wholly occupied by persons who are in the employment of the Secretary of State and in active duty in the Civil and Military Station in any of the Military Departments of the Government of India during the period of such occupancy.]<sup>1</sup>

[*Gazette of India*, 1899, Pt. II, p. 1186.]

<sup>1</sup> Substituted by Notification No. 3024, dated the 7th October, 1902. *Gazette of India*, 1902, Pt. II, p. 1218.

CIVIL AND MILITARY STATION OF BANGALORE.—(IX.—Orders under 809  
Local Laws.)

*Exemption of Military Officers, soldiers and ladies of the Indian Nursing Association from payment of profession taxation.*

No. 3475, dated the 21st August, 1897.—In exercise of the powers conferred by section 46, clause (2) of the Bangalore Municipal Law, 1897<sup>1</sup>, the Resident in Mysore is pleased to exempt all Military officers or soldiers who are, or may be, from time to time, employed on Military duty in the Civil and Military Station of Bangalore, from payment of any tax to the Municipal Commission on account of their profession as Military officers or soldiers. The foregoing exemption also applies to ladies of the Indian Nursing Association employed on nursing duty in Bangalore.

[*Gazette of India*, 1897, Pt. II, p. 993.]

*Licenses to sell articles liable to octroi and payment of fees therefor.*

No. 5202, dated the 3rd December, 1897.—In exercise of the powers conferred by section 67, clause (1) of the Bangalore Municipal Law, 1897<sup>1</sup>, the Resident in Mysore is pleased to authorise the Municipal Commission of the Civil and Military Station of Bangalore to require any person selling any article liable to octroi, viz., tobacco, betel-leaves, or green and dry coconuts, to obtain from the Commission a license for the purpose, and to pay therefor such fees as shall, from time to time with the approval of the Resident, be fixed in that behalf.

[*Gazette of India*, 1897, Pt. II, p. 1371.]

*Diseases dangerous to the public health.*

No. 6011, dated 1st February, 1898.—Under the provisions of section 124, sub-section 2, of the Bangalore Municipal Law, 1897<sup>1</sup>, the following diseases are declared, with the sanction of the Resident in Mysore, to be diseases dangerous to the public health, within the limits of the Civil and Military Station of Bangalore:—

- |                    |                           |
|--------------------|---------------------------|
| (1) Cholera.       | (5) Scarlet fever.        |
| (2) Diphtheria.    | (6) Small-pox.            |
| (3) Enteric fever. | (7) Leprosy. <sup>2</sup> |
| (4) Measles.       | (8) Hydrophobia.          |

[*Gazette of India*, 1898, Pt. II, p. 251.]

*Cart Rules By-law.*

No. 719, dated the 3th May, 1907.—In exercise of the powers conferred by section 137 (1) (a) and (b) of the Bangalore Municipal Law,

<sup>1</sup> Printed *supra*, p. 87.

<sup>2</sup> Added to the list by Notification No. 2922, dated the 11th October, 1901. *Gazette of India*, 1901, Pt. II, p. 1215.

<sup>3</sup> Added to the list by Notification No. 50, dated the 1st April, 1911. *Gazette of India*, 1911, Pt. II, p. 582.

1897<sup>1</sup>, the Municipal Commission for the Civil and Military Station of Bangalore have made the following bye-law and the same having been confirmed by the Hon'ble the Resident in Mysore as required by section 139 of the Bangalore Municipal Law it is hereby notified for general information under section 180 (3) of the said Municipal Law.

### CHAPTER III.—SANITATION AND OTHER PURPOSES.

#### Bye-law No. 16—Cart Rules.

##### *Bangalore Municipal Law, Section 137 (1) (a) and (b).*

Every cart which is kept or offered, or plies, for hire within the limit of the Civil and Military Station of Bangalore shall be annually licensed by the President of the Municipal Commission, and no person shall own or drive such cart unless the same has been licensed under these rules.

NOTE.—In these rules "Cart" means any wheeled vehicle of whatever description drawn by animals and used for the conveyance of goods or other loads other than passengers.

2. Application for a license shall be made in writing to the President, who shall grant or refuse a license as he may think fit, and, at his discretion, class every cart in one of the following classes:—

Class A.—Four-wheeled carts.

Class B.—Two-wheeled carts drawn by a pair of bullocks or other animals.

Class C.—Two-wheeled carts drawn by a single bullock or other animal.

NOTE.—The license granted by the President shall be in the form appended to these rules, and its formal acceptance by the licensee shall be entered in a register provided for this purpose.

3. On the grant of a license the number of such license and the year for which it is granted shall be painted at the President's Office on some conspicuous part of the cart. Should such numbering become indistinct or obliterated, the licensee shall produce the cart without delay at the President's office and apply to have the figures renewed. On the expiry of the license the licensee shall forthwith remove the figures.

4. A license shall ordinarily continue in force until the 31st day of March after the grant of such license. But the President may, by written order, suspend or revoke the license of any cart if he is satisfied that the licensee or driver of the cart has committed a breach of these rules or otherwise misconducted himself.

5. No licensee or driver of a cart shall, without sufficient reason, the burden of proving which shall lie on such licensee or driver, at any time refuse to let such cart for hire to any person demanding the same.

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<sup>1</sup> Printed *supra*, p. 87.

6. The driver of every cart shall stand in line with his cart and keep proper order when at a cart-stand. He shall not take up position on any cart-stand which already contains the full complement of carts. He shall not loiter or cause obstruction in public roads or thoroughfares or in any place where the public resort.

7. It shall be lawful for the President, or other officer authorized by him in this behalf, to enter the premises on which any cart licensed under these rules is kept, in order to carry out any provision of these rules, and the licensee or owner of such premises or his agents or servants shall afford every facility for such inspection.

8. All property left in any cart licensed under these rules shall be forthwith deposited by the driver or licensee, as the case may be, in the nearest police station to be disposed of according to law. Such property shall be returned to the person who shall prove to the satisfaction of the President that the same belonged to him on payment of all expenses reasonably incurred, and of such reasonable sum to the driver or owner as the President may direct.

9. The following fees shall be paid annually according to class for each cart licensed:—

|                   |                   |                   |
|-------------------|-------------------|-------------------|
| Class A.<br>Rs. 9 | Class B.<br>Rs. 4 | Class C.<br>Rs. 2 |
|-------------------|-------------------|-------------------|

10. The fare which may be demanded for the hire of a cart shall not exceed that specified below:—

*Fares by Time.*

| Class of vehicles. | For one hour<br>or less. | For every<br>additional<br>hour or part<br>of an hour<br>before<br>midnight. | For every<br>additional<br>hour or part<br>of an hour<br>after<br>midnight. | Maximum<br>for 12 hours. | for 24 hours. |
|--------------------|--------------------------|--|---|--------------------------|---------------|
|                    | Rs. A.                   | Rs. A.   | Rs. A.  | Rs. A.                   | Rs. A.        |
| Class A . . . .    | 1 0                      | 0 4  | 0 6   | 3 0                      | 4 0           |
| " B . . . .        | 0 6                      | 0 3  | 0 1   | 2 0                      | 2 8           |
| " C . . . .        | 0 4                      | 0 2  | 0 3   | 1 1                      | 1 8           |

*Fares by Distance.*

Class A.—12 annas for 3 miles, and annas 3 for every additional mile.

Class B.—2 annas per mile.

Class C.—1 anna and pies 6 per mile.

NOTE.—The above fares to be paid according to time unless at the commencement of hiring the hirer expresses his intention of paying according to distance.

6. The driver of every cart shall stand in line with his cart and keep proper order when at a cart-stand. He shall not take up position on any cart-stand which already contains the full complement of carts. He shall not loiter or cause obstruction in public roads or thoroughfares or in any place where the public resort.

7. It shall be lawful for the President, or other officer authorized by him in this behalf, to enter the premises on which any cart licensed under these rules is kept, in order to carry out any provision of these rules, and the licensee or owner of such premises or his agents or servants shall afford every facility for such inspection.

8. All property left in any cart licensed under these rules shall be forthwith deposited by the driver or licensee, as the case may be, in the nearest police station to be disposed of according to law. Such property shall be returned to the person who shall prove to the satisfaction of the President that the same belonged to him on payment of all expenses reasonably incurred, and of such reasonable sum to the driver or owner as the President may direct.

9. The following fees shall be paid annually according to class for each cart licensed:—

|          |          |          |
|----------|----------|----------|
| Class A. | Class B. | Class C. |
| Rs. 9    | Rs. 4    | Rs. 2    |

10. The fare which may be demanded for the hire of a cart shall not exceed that specified below:—

*Fares by Time.*

| Class of vehicles. | For one hour or less. | For every additional hour or part of an hour before midnight. | For every additional hour or part of an hour after midnight. | Maximum for 12 hours. | for 24 hours. |
|--------------------|-----------------------|---|--|-----------------------|---------------|
|                    | Rs. A.                | Rs. A.  | Rs. A.   | Rs. A.                | Rs. A.        |
| Class A . . . .    | 1 0                   | 0 4   | 0 6  | 3 0                   | 4 0           |
| „ B . . . .        | 0 6                   | 0 3   | 0 4  | 2 0                   | 2 8           |
| „ C . . . .        | 0 4                   | 0 2   | 0 3  | 1 4                   | 1 8           |

*Fares by Distance.*

Class A.—12 annas for 3 miles, and annas 3 for every additional mile.

Class B.—2 annas per mile.

Class C.—1 anna and pies 6 per mile.

NOTE.—The above fares to be paid according to time unless at the commencement of hiring the hirer expresses his intention of paying according to distance.



exceeded, and the Resident in all other cases, before the expenditure is actually incurred, and must be accompanied by a statement in Form C, showing how it is proposed to meet the expenditure.

(2) Every increase, reduction or transfer of allotment shall, upon being sanctioned by the Commission or the Resident, be deemed to form part of the budget.

10. The President of the Municipal Commission shall also submit to the Resident by the [15th] November every year a revised estimate (in Form D) of receipts and expenditure, based on the actuals of the first six months of the year.

FORM A.

| <u>Actuals of</u> | <u>Revised estimate</u> | <u>Heads.</u> | <u>Budget estimate'</u> | <u>Remark..</u> |
|-------------------|-------------------------|---------------|-------------------------|-----------------|
| <u>19 -19 .</u>   | <u>for 19 -10 .</u>     |               | <u>for 18 -19 .</u>     |                 |
|                   |                         |               | -                       | .               |
|                   |                         |               | -                       |                 |
|                   |                         |               | :                       |                 |
|                   |                         |               | :                       |                 |
|                   |                         |               | :                       |                 |
|                   |                         |               | :                       |                 |
|                   |                         |               | :                       | ,               |

FORM B.

*Statement of special items requiring sanction for inclusion in the Budget.*

| Name of budget estimate and number of item. | Major, minor, and detailed head of account. | Particulars of item. | Amount proposed by the Commission. | Particulars of action taken to obtain requisite sanction (including a reference with the residency) and grounds on which recommendation for provision in budget estimate. |
|---|---|----------------------|------------------------------------|---|
| 1   | 2   | 3                    | 4                                  | 5   |
|   |   |                      | Grand Total                        |   |
|   |   |                      |                                    |   |

**FORM C.**

*Application for transfer of funds required by the Municipal Commission  
of the Civil and Military Station of Bangalore.*

From

| Particular work or purpose with the major and minor heads of the budget specified. | Amount provided for the work or purpose in the budget and subsequently allotted or transferred. | Amount already expended. | Amount available for transfer after providing for probable outlay up to the end of the year. |
|--|---|--------------------------|--|
| 1  | 2   | 3                        | 4  |
|  |   |                          |  |

*Continued.*

To

| Particular work or purpose with the major and minor heads of the budget specified. | Amount provided for the work or purpose in the budget. | Amount subsequently allotted or transferred. | Amount now required to be transferred. | Necessity for the transfer. | Reference to previous correspondence. |
|--|--|--|--|-----------------------------|---------------------------------------|
| 5  | 6  | 7  | 8                                      | 9                           | 10                                    |
|  |  |  |  |                             |                                       |

MUNICIPAL OFFICE,  
C. & M. Station, Bangalore.  
Dated.....19

} *President, Municipal Commission,  
Civil and Military Station, Bangalore.*



CIVIL AND MILITARY STATION OF BANGALORE.—(IX.—Orders under s17  
Local Laws.)

## FORM D.

| 6 months' actuals of 19 -19 . | Budget estimate for 19 -19 . | Reads. | Revised budget estimate for 19 -19 . | Remarks. |
|-------------------------------|------------------------------|--------|--------------------------------------|----------|
|                               |                              |        |                                      |          |

[*Mysore Residency Orders*, 1924, Pt. I, p. 67.]

**Collection of transfer duty.**

No. 66, dated the 30th November, 1921.—In exercise of the powers conferred on him by section 175 (I) (S) of the Bangalore Municipal Law, 1897,<sup>1</sup> the Hon'ble the Resident is pleased to make the following rules for regulating the collection of the transfer duty to be levied under section 67-A of the said Law as amended.

**The rules shall come into force on the 1st December 1921.**

**Rules.**

1. The transfer duty imposed by section 67-A of the Bangalore Municipal Law, 1897, as amended by the Government of India, Foreign and Political Department, in Notification No. 2262-I. B., dated the 2nd August, 1921,<sup>a</sup> [on all instruments of transfer of immoveable property situated within the limits of the Civil and Military Station of Bangalore by sale, gift, mortgage or otherwise which may be executed after the introduction of the above duty] shall be paid and recovered in the same way and under the same procedure as the ordinary duty imposed on such instruments by the Indian Stamp Act, 1899, as applied to the Station.

<sup>1</sup> Printed *supra*, p. 57.

\* Substituted by Notification No. 76, dated the 15th December, 1921 *Muzore Residency Orders*, 1921, Pt. 1, p. 73.

2. (1) Whenever any instrument referred to in rule 1 is presented to any registering officer in the Civil and Military Station of Bangalore, he must see whether the particulars referred to in section 27 of the Indian Stamp Act, 1899, are set forth separately in the instrument in respect of property situated within and without the limits of the Station as required by section 67-B (a) of the Bangalore Municipal Law, 1897, as amended.

(2) If the said particulars be not so separately set forth in any such instrument the said officer must impound it and forward it to the Collector, calling his attention to section 64 of the Indian Stamp Act, 1899, as extended by section 67-B (b) of the said Bangalore Municipal Law.

(3) (1) Every registering officer in the Civil and Military Station of Bangalore who registers any instrument referred to in rule 1 shall keep an account of the duty paid in respect of each such instrument, showing separately the duty imposed by the Indian Stamp Act, 1899, and the transfer duty imposed by Bangalore Municipal Law, 1897, as amended.

(2) The said accounts shall be consolidated quarterly under the orders of the Inspector General of Registration, and each quarterly consolidated account shall be sent by him to the Accountant General, Madras, within two months after the close of the quarter.

(4) If in any case it be impossible to recover the full duty payable on any instrument referred to in rule 1, then only such portion of the duty realised on such instrument as is in excess of the duty imposed by the Indian Stamp Act, 1899, shall be treated in the said accounts as duty imposed by section 67-A of the Bangalore Municipal Law, 1897, as amended.

(5) The Accountant-General, Madras, shall within three months after the close of each quarter pay to the Municipal Commission, Civil and Military Station, Bangalore, through the Officer in charge of the Hon'ble the Resident's Treasury, Bangalore, so much of the duty shown in the said consolidated accounts as represents the transfer duty imposed by section 67-A of the Bangalore Municipal Law, 1897, as amended.

[*Mysore Residency Orders*, 1921, Pt. I, p. 70.]

*Power of the President of the Municipal Commission to compound offences.*

No. 1755, dated the 1st April, 1901.—Under the provisions of sub-section (1) of section 177 of the Bangalore Municipal Law, 1897,<sup>1</sup> the Hon'ble the Resident in Mysore is pleased to empower the President of the Municipal Commission, Civil and Military Station of Bangalore, to accept composition for all offences against the said Law, its rules and bye-laws.

[*Gazette of India*, 1901, Pt. II, p. 532.]

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<sup>1</sup> Printed *supra*, p. 87.

CIVIL AND MILITARY STATION OF BANGALORE.—(IX.—Orders under 817  
Local Laws.)

FORM D.

| 6 months' actuals of 19 -19 . | Budget estimate for 19 -19 . | Heads. | Revised budget estimate for 19 -19 . | Remarks. |
|-------------------------------|------------------------------|--------|--------------------------------------|----------|
|                               |                              |        |                                      |          |

[Mysore Residency Orders, 1924, Pt. I, p. 67.]

*Collection of transfer duty.*

No. 66, dated the 30th November, 1921.—In exercise of the powers conferred on him by section 175 (I) (S) of the Bangalore Municipal Law, 1897,<sup>1</sup> the Hon'ble the Resident is pleased to make the following rules for regulating the collection of the transfer duty to be levied under section 67-A of the said Law as amended.

The rules shall come into force on the 1st December 1921.

*Rules.*

1. The transfer duty imposed by section 67-A of the Bangalore Municipal Law, 1897, as amended by the Government of India, Foreign and Political Department, in Notification No. 2262-I. B., dated the 2nd August, 1921,<sup>2</sup> [on all instruments of transfer of immoveable property situated within the limits of the Civil and Military Station of Bangalore by sale, gift, mortgage or otherwise which may be executed after the introduction of the above duty] shall be paid and recovered in the same way and under the same procedure as the ordinary duty imposed on such instruments by the Indian Stamp Act, 1899, as applied to the Station.

<sup>1</sup> Printed *supra*, p. 87.

<sup>2</sup> Substituted by Notification No. 76, dated the 15th December, 1921. *Mysore Residency Orders*, 1921, Pt. I, p. 73.

2. (1) Whenever any instrument referred to in rule 1 is presented to any registering officer in the Civil and Military Station of Bangalore, he must see whether the particulars referred to in section 27 of the Indian Stamp Act, 1899, are set forth separately in the instrument in respect of property situated within and without the limits of the Station as required by section 67-B (a) of the Bangalore Municipal Law, 1897, as amended.

(2) If the said particulars be not so separately set forth in any such instrument the said officer must impound it and forward it to the Collector, calling his attention to section 64 of the Indian Stamp Act, 1899, as extended by section 67-B (b) of the said Bangalore Municipal Law.

(3) (1) Every registering officer in the Civil and Military Station of Bangalore who registers any instrument referred to in rule 1 shall keep an account of the duty paid in respect of each such instrument, showing separately the duty imposed by the Indian Stamp Act, 1899, and the transfer duty imposed by Bangalore Municipal Law, 1897, as amended.

(2) The said accounts shall be consolidated quarterly under the orders of the Inspector General of Registration, and each quarterly consolidated account shall be sent by him to the Accountant General, Madras, within two months after the close of the quarter.

(4) If in any case it be impossible to recover the full duty payable on any instrument referred to in rule 1, then only such portion of the duty realised on such instrument as is in excess of the duty imposed by the Indian Stamp Act, 1899, shall be treated in the said accounts as duty imposed by section 67-A of the Bangalore Municipal Law, 1897, as amended.

(5) The Accountant-General, Madras, shall within three months after the close of each quarter pay to the Municipal Commission, Civil and Military Station, Bangalore, through the Officer in charge of the Hon'ble the Resident's Treasury, Bangalore, so much of the duty shown in the said consolidated accounts as represents the transfer duty imposed by section 67-A of the Bangalore Municipal Law, 1897, as amended.

[*Mysore Residency Orders*, 1921, Pt. I, p. 70.]

*Power of the President of the Municipal Commission to compound offences.*

No. 1755, dated the 1st April, 1901.—Under the provisions of subsection (1) of section 177 of the Bangalore Municipal Law, 1897,<sup>1</sup> the Hon'ble the Resident in Mysore is pleased to empower the President of the Municipal Commission, Civil and Military Station of Bangalore, to accept composition for all offences against the said Law, its rules and bye-laws.

[*Gazette of India*, 1901, Pt. II, p. 532.]

<sup>1</sup> Printed *supra*, p. 87.

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*Rules to regulate the proceedings of the President, Municipal Committee, in accepting composition under section 177 of the Bangalore Municipal Law, 1897.*

No. 1756, dated the 1st April, 1901.—With reference to Notification No. 1755, of this day's date, the Hon'ble the Resident is pleased to make the following Rules to regulate the proceedings of the President, Municipal Commission, Civil and Military Station, Bangalore, in accepting composition under section 177 of the Bangalore Municipal Law, 1897<sup>1</sup>:—

- (i) Before accepting a composition the President must satisfy himself by personal enquiry that there is reasonable ground to believe that the alleged offence has been committed. In this enquiry the President shall always hear the statement of the accused person unless he is prevented from doing so by unavoidable circumstances and, as far as may be possible, the President shall conduct the enquiry in the presence of the accused.
- (ii) The President shall not accept a larger sum than ten rupees in composition for any alleged offence:  
Provided that in cases where in his opinion a larger sum may be reasonably demanded, the President shall not accept a larger sum than Rs. 10 until the composition has been ratified by a resolution of the Municipal Commission and such resolution has been confirmed by the Hon'ble the Resident in Mysore.
- (iii) For every composition accepted the President shall grant a receipt. For this purpose the President shall maintain a book of Receipt Forms serially numbered with proper counterfoils.
- (iv) The President shall enter the particulars of every composition accepted in a register of the form given below. Column 6 of this register shall be totalled weekly.
- (v) The President shall pay the amount received by him in composition weekly into the Revenue office of the Commission for the credit of the Municipal Fund. For each payment the President shall obtain a receipt and keep it filed with the register for 12 months, after which it may be destroyed.
- (vi) On the 1st of April and the 1st of October in each year the President shall submit his register with the attached receipts to the Hon'ble the Resident in Mysore, and shall comply with all instructions consistent with law and with these rules which the Hon'ble the Resident may issue as to his proceedings in the acceptance of compositions.

specified against them reckoning from their respective dates or from the dates at which they close.

Provided that the District Judge may, in his discretion, direct the retention, for a longer period or permanently, of papers which he may consider likely to be useful in the future, as containing the results of inquiries or other information, or the opinions of experienced officers in matters connected with the general administration of justice; and provided also that no court subordinate to the District Judge shall cause any papers to be destroyed under the next succeeding rule without having first obtained from such District Judge, permission in writing to do so.

Where any document of which the destruction is ordered by these rules is, before it has been destroyed, made evidence in any other suit or proceeding, the rule regulating its destruction shall be the rule applicable to evidence filed in such suit or proceeding where the period prescribed by such last-mentioned rule is in excess of the period prescribed by the rule which originally governed its destruction.

5. All records, books and papers described in the tables given in Parts C and D of the appendix, shall be destroyed without fail at the expiration of the periods respectively indicated against them.

Provided that documents produced in courts by Government officials or sent for under Order XIII, Rule 10 of Schedule I of the Civil Procedure Code, 1908, shall not be destroyed, but shall, if not previously returned, be transmitted to the responsible officers on the expiry of the period prescribed for their retention.

6. With the exception of *Mysore Gazette*, Parts II and III of the *Mysore Residency Orders*, Parts I-A., I-B. II. III and IV of the *Fort St. George Gazette* and Parts I, II and III and supplements of the *Government of India Gazette*, which may be sold as waste paper, all other records, books and papers to be destroyed under rule 5 shall be burnt in the presence of the record-keeper.

Whenever records, books or papers are destroyed under rule 5, a complete list of the records, books, or papers so destroyed shall be prepared and the date of destruction shall be entered at the head thereof. It shall be the duty of the record-keeper to certify the correctness of these lists.

7. To enable parties, who have filed documents in court, to withdraw the same before the period appointed for their destruction, a notice shall be published in the *Mysore Residency Orders* stating that all documents filed in the suits (to be therein enumerated), will, unless previously reclaimed, be destroyed at the expiration of the period indicated in the notice; and the following note shall also be entered at the foot of every copy of a decree or order granted to any of the parties to the suit or

The index paper itself and the B diary need not be entered in the index. The date of issue of processes shall be entered in column 2 of the form and the date of return after execution in column 3. The dates on which depositions, judgments, and decrees were completed or signed by the Judge shall be entered in column 2, and the date of receipt by the suits clerk shall be shown in column 3.

2. Every record shall, after its completion and immediately before it is deposited in the record room, be divided into parts as shown in the table given in Part B of the appendix, and to facilitate this division each paper, shall, so soon as it is filed with the record, be numbered and marked off in the index as appertaining to one or another of such parts.

Other documents which have been produced by parties but have either not been tendered in evidence, or, having been tendered in evidence, have been rejected, shall be kept apart from the record of the suit or other proceeding to which they belong and shall, if not reclaimed by the party who produced them, be retained in the court in which they were produced, for a period of one year from the date of the final order of the court in the suit or proceeding in which the documents were produced, and shall, at the expiration of that period, be destroyed, in the manner prescribed by rule 6 *infra*.

Provided that notice of destruction shall be given in the manner prescribed by rule 7 *infra* in the month of January succeeding the date of expiry of the period of one year referred to in this rule and also by affixing to the notice board of the court (at the time of publication in the *Mysore Residency Orders*), a copy of the notice published in the *Mysore Residency Orders*.

No application is necessary for the return of the documents produced, which have either not been tendered in evidence, or, if tendered, have been rejected. It is sufficient if a receipt for their return is taken in the list with which they have been put up.

3. The parts of records described in the table given in part C of the appendix shall be retained for the periods respectively specified against them from the date of their completion provided that in any case the presiding Judge may, for reasons to be recorded in writing, direct that any of the papers in any one part be transferred to any other part for which a longer period of retention is prescribed; in which case the fact shall be noted in the index and the papers dealt with as if they had belonged from the commencement to the part to which they were so transferred.

4. The court registers, books and papers described in the table given in Part D of the appendix, shall be retained for the periods respectively

specified against them reckoning from their respective dates or from the dates at which they close.

Provided that the District Judge may, in his discretion, direct the retention, for a longer period or permanently, of papers which he may consider likely to be useful in the future, as containing the results of inquiries or other information, or the opinions of experienced officers in matters connected with the general administration of justice; and provided also that no court subordinate to the District Judge shall cause any papers to be destroyed under the next succeeding rule without having first obtained from such District Judge, permission in writing to do so.

Where any document of which the destruction is ordered by these rules is, before it has been destroyed, made evidence in any other suit or proceeding, the rule regulating its destruction shall be the rule applicable to evidence filed in such suit or proceeding where the period prescribed by such last-mentioned rule is in excess of the period prescribed by the rule which originally governed its destruction.

5. All records, books and papers described in the tables given in Parts C and D of the appendix, shall be destroyed without fail at the expiration of the periods respectively indicated against them.

Provided that documents produced in courts by Government officials or sent for under Order XIII, Rule 10 of Schedule I of the Civil Procedure Code, 1908, shall not be destroyed, but shall, if not previously returned, be transmitted to the responsible officers on the expiry of the period prescribed for their retention.

6. With the exception of *Mysore Gazette*, Parts II and III of the *Mysore Residency Orders*, Parts I-A., I-B, II, III and IV of the *Fort St. George Gazette* and Parts I, II and III and supplements of the *Government of India Gazette*, which may be sold as waste paper, all other records, books and papers to be destroyed under rule 5 shall be burnt in the presence of the record-keeper.

Whenever records, books or papers are destroyed under rule 5, a complete list of the records, books, or papers so destroyed shall be prepared and the date of destruction shall be entered at the head thereof. It shall be the duty of the record-keeper to certify the correctness of these lists.

7. To enable parties, who have filed documents in court, to withdraw the same before the period appointed for their destruction, a notice shall be published in the *Mysore Residency Orders* stating that all documents filed in the suits (to be therein enumerated), will, unless previously reclaimed, be destroyed at the expiration of the period indicated in the notice; and the following note shall also be entered at the foot of every copy of a decree or order granted to any of the parties to the suit or



CIVIL AND MILITARY STATION OF BANGALORE.—(IX.—Orders under 825  
Local Laws.)

| Class of cases.  | Divisions of the record and description of the papers falling under each division. |
|--|--|
| <b>PART II.</b>  |  |
| 1. Suits or appeals falling under sub-heads 1 (a), (b) and (c) of table C.                   | 1. Order appointing a guardian <i>ad litem</i> .                                   |
|  | 2. Agreement to state a case for decision.   |
|  | 3. Application for arbitration.  |
|  | 4. Order of reference to arbitration.  |
|  | 5. Award.  |
|  | 6. Order appointing receivers.   |
|  | 7. Judgment and order remanding or remitting suit on issues.                       |
|  | 8. Commissioners' reports, maps and plans.   |
| 2. Proceedings relating to Probates and Letters of Administration—sub-head 3 (c) of table C. | 1. Application.  |
|  | 2. Accounts filed.   |
| <b>PART III.</b>   |  |
| All suits and miscellaneous proceedings other than those falling under 3 (d) of table C.     | 1. Documentary evidence.   |
|  | 2. Diary B.  |
|  | 3. Issues.   |
|  | 4. Oral evidence.  |
|  | 5. All papers not already specified.   |

**C**

Table showing the periods prescribed for the retention of the various parts of the records in the various class of proceedings.

**Rule 3.**

| Nature of proceedings.   | Number of years for which records are to be retained. |          |           |
|--|---|----------|-----------|
|  | Part I.   | Part II. | Part III. |
| 1. In suits or appeals—  |   |          |           |
| (a) For or affecting immovable property other than for foreclosure of mortgage . . . . .   | Permanent.  | 5        | 3         |
| (b) In respect of succession to an office; or to establish or set aside an adoption, or otherwise to determine the status of an individual or in suits under the Indian Succession Act (X of 1865). Decisions regarding a public right or custom or any matter affecting the public or portion of it . . . . . | 20  | 5        | 3         |
| (c) For foreclosure of mortgage . . . . .  | 15  | 5        | 3         |
| (d) Not already named . . . . .  | 6   | ...      | 3         |
| 2. In Small Cause Court suits . . . . .  | 6   | ...      | 3         |
| 3. In miscellaneous proceedings—   |   |          |           |
| (a) In execution cases . . . . .   | 6   | ...      | 3         |
| (b) In insolvency cases . . . . .  | 3   | ...      | 3         |
| (c) In proceedings relating to Probates and Letters of Administration . . . . .  | 20  | 5        | 3         |
| (d) In other miscellaneous proceedings . . . . .   | 3   | ...      | ...       |

NOTE 1.—In civil execution cases the record must be taken to have reached completion on the date the decree is recorded as satisfied in full, and when further execution proceedings are not taken on the expiry of six years from the date of the final order on the last application for execution.

NOTE 2.—In all other cases, the record must be taken to have reached its completion on the date of final order or decree of the Court of first instance, or, in the event of an appeal, from the date of the final order or decree of the Appellate Court.

NOTE 3.—All security bonds taken in proceedings under the Guardian and Wards Act VIII of 1890, the Probate and Letters of Administration Act V of 1881, the Succession Certificate Act of 1889 and the Indian Succession Act X of 1865 shall be retained for thirty years: where, however, Letters of Administration are granted with will annexed or the court requires security from an executor the bonds shall be retained permanently.

## D

*Table showing the periods prescribed for the retention of the various Court registers, books and papers.*

### Rule 4.

| No. | Description of Court registers, book and papers.   | Number of years for which registers, etc., are to be retained. |
|-----|--|--|
| 1.  | Register of suits (civil) . . . . .  | Permanent.   |
| 2.  | Register of appeals (civil) . . . . .  | Do.  |
| 3.  | Repealed Acts of permanent value . . . . .   | Do.  |
| 4.  | Cash book and ledger . . . . .   | 25   |
| 5.  | Register of Small Causes . . . . .   | 20   |
| 6.  | A Diaries from the dates on which they close . . . . .   | 5  |
| 7.  | Register of court-fees and registers in the Nazarat department . . . . .   | 3  |
| 8.  | Register of execution petitions and register of execution proceedings in suits of other courts . . . . .   | 12   |
| 9.  | Copyists' registers and Process-service registers . . . . .  | 3  |
| 10. | Other registers—<br>Account books other than cash-book and ledger, register of applications for return of documents.<br>Receipt books for documents returned to parties.<br>Stationery accounts. Postage accounts, contingent bills and registers. Register of movable and immovable property attached. Register of commissions issued . . . . . | 3  |
| 11. | Challan and cheque books . . . . .   | 10   |
| 12. | Other court or office-books and registers . . . . .  | 3  |
| 13. | Mysore Residency Orders, Part I, Permanent and Parts II and III . . . . .  | 3 years.   |
| 14. | Fort St. George Gazette . . . . .  | Permanent.   |
|     | Except Parts I-A, I-B, II, III and IV . . . . .  | 10   |
| 15. | Government of India Gazette, Parts I, II and III . . . . .   | 10   |
|     | Do. Supplements . . . . .  | 3  |
|     | Rest . . . . .   | Permanent.   |
| 16. | Official correspondence with the High Court and all orders including administration reports, received from the High Court and Government other than those provided for above or hereafter . . . . .  | 20   |
| 17. | Other official correspondence relating to matters which have terminated . . . . .  | 3  |
| 18. | Yearly and half-yearly statements . . . . .  | 5  |
| 19. | Monthly and quarterly statements, Civil Lists, and other similar books . . . . .   | 3  |
| 20. | Applications for leave and orders thereon, applications from candidates for employment and reports on applications not relating to suits or proceedings in Court . . . . .   | 1  |
| 21. | Register of suits disposed of . . . . .  | 3  |
| 22. | Register of petitions . . . . .  | 12   |
| 23. | Pay and acquittance rolls . . . . .  | 25   |
| 24. | Registers of Deposits relating to receipts and repayments . . . . .  | 10 years or so long as any outstandings remain.                |

**E**

**(Rule 8.)**

I

*Record destruction register of original suits.*

| Year. | Number. | State of proceed-<br>ings. | Date of<br>disposal. | Number<br>of appeal,<br>if any. | Date of<br>disposal of<br>appeal. | Number<br>of second appeal,<br>if any. | Date of<br>second<br>appeal. | Date up to which to be<br>refrained. |          |           |           | Date on which destroyed. |         |         |          | Remarks. |
|-------|---------|----------------------------|----------------------|---------------------------------|-----------------------------------|--|------------------------------|--------------------------------------|----------|-----------|-----------|--------------------------|---------|---------|----------|----------|
|       |         |                            |                      |                                 |                                   |  |                              | Part I.                              | Part II. | Part III. | Part III. | Part II.                 | Part I. | Part I. | Part II. | Part I.  |
| 1     | 2       | 3                          | 4                    | 5                               | 6                                 | 7                                      | 8                            | 9                                    | 10       | 11        | 12        | 13                       | 14      | 15      | 16       |          |

## II

*Record destruction register of small cause suits.*

[illegible]

III

*Record destruction register for civil miscellaneous petitions.*

(Here enter succession certificate petitions, probate, compensation reference case, insolvency petitions, guardian petitions, etc.)

| Year. | Number. | Date of disposal. | Date of disposal of appeal, if any. | Date up to which to be retained. |          |           | Date of destruction. |          |         | Remarks. |
|-------|---------|-------------------|-------------------------------------|----------------------------------|----------|-----------|----------------------|----------|---------|----------|
|       |         |                   |                                     | Part I.                          | Part II. | Part III. | Part III.            | Part II. | Part I. |          |
| 1     | 2       | 3                 | 4                                   | 5                                | 6        | 7         | 8                    | 9        | 10      | 11       |

NOTE.—All accounts filed by guardians of property of minors should be retained until three years after their minority ceases.

# IV

## Record destruction register for execution petitions.

| Year. | Suit number. | Date of completion—vide Note 1 to Table C. | Date of full satisfaction or final order. | Date on which destroyed. |         | Remarks. |
|-------|--------------|--|---|--------------------------|---------|----------|
|       |              |  |   | Part III.                | Part I. |          |
| 1     | 2            | 2  | 4   | 5                        | 6       | 7        |
|       |              |  |   |                          |         |          |

NOTE.—Column 4.—In the case of satisfaction the entry shall be S with date of satisfaction in full and in the case of a final order on the last application for execution, its date and the number and year of the proceedings shall be entered.

[Mysore Residency Orders, 1925, Pt. I, p. 36.]

### Rules for Criminal Courts.

No. 43, dated the 25th July, 1907.—In exercise of the powers conferred by rule 1 of the rules for the destruction or other disposal of records, etc., published under Notification<sup>1</sup> No. 1441-I. A. of the Government of India in the Foreign Department, dated the 26th March, 1900, and with the previous sanction of the Governor General in Council, the Hon'ble the Resident in Mysore is pleased to make the following rules to regulate the disposal, by destruction or otherwise, of the records, books, registers and papers in the custody of the Criminal Courts in the Civil and Military Station of Bangalore:—

1. An index in the form prescribed in A of the appendix will be put up with the record of every case on its first institution in each Court, and each paper, as it is filed with the record, will be entered in such index.

2. Every record shall, after its completion and immediately before it is deposited in the record-room, be divided into parts as shown in the

<sup>1</sup> Printed *supra*, p. 159.

table given in B of the appendix, and, to facilitate this division, each paper will, as soon as it is filed with the record, be numbered and marked off in the index as pertaining to one or another of such parts.

3. The parts of records described in the table given in C of the appendix will be retained for the periods respectively specified against them from the date of their completion, provided that in any case the presiding judge or magistrate may, for reasons to be recorded in writing, direct that any of the papers in any one part be transferred to any other part for which a longer period of retention is prescribed; in which case the fact will be noted in the index, and the papers dealt with as if they had belonged from the commencement to the part to which they were so transferred.

4. The Court registers, books and papers, described in the table given in D of the appendix, will be retained for the periods respectively specified against them, reckoning from their respective dates or from the dates at which they close:

Provided that the district magistrate may, in his discretion, direct the retention, for a longer period or permanently, of papers which he may consider likely to be useful in the future, as containing the results of enquiries or other information, or the opinions of experienced officers in matters connected with the general administration of justice, and provided, also, that no Criminal Court subordinate to the magistrate of the district shall cause any papers to be destroyed under the next succeeding rule without having first obtained from such magistrate of the district permission in writing to do so.

(a) Where any document, of which the destruction is ordered by these rules, is before it has been destroyed, made evidence in any other proceeding the rule regulating its destruction will be the rule applicable to the evidence filed in such proceeding, where the period prescribed by such last-mentioned rule is in excess of the period prescribed by the rule which originally governed its destruction.

5. All records, books and papers, described in the tables given in C and D of the appendix, must be destroyed, without fail, at the expiration of the periods respectively indicated against them.

6. Records, books and papers to be destroyed under rule 5 are to be burnt in the presence of the record-keeper.

7. To enable parties, who have filed documents in Court, to withdraw the same before the periods appointed for their destruction, a notice will be published in the *Gazette of India* in January of each year, stating that all documents filed in the magisterial cases (to be therein enumerated) will, unless previously reclaimed, be destroyed at the expiration of the period indicated in the notice; and the following note will also be entered at the foot of every copy of an order granted to any of the parties to the

proceeding in which such order was made, or to the pleaders or authorized agents of such parties:—

The parties should apply, as soon as possible, for the return of all exhibits which they may wish to preserve, as the record will be liable to be destroyed after 3 years from this date.

9. The above rules do not apply to non-magisterial records of revenue officers, such as *Gazette* files, etc., but apply only to the judicial records of those officers.

## APPENDIX.

### A

#### FORM OF INDEX.

(Rules 1 and 2.)

(*Application or Appeal or Criminal Case*) No.                      of 19    on the  
file of the                      Court of                      in the District of                      .

| Serial Number of the paper. | Description of the paper and its date. | Date when the paper was filed in the case. | Number of the part of the record to which the paper appertains. | Alphabetical or numerical mark of the exhibits filed. | Remarks. |
|-----------------------------|--|--|---|---|----------|
|                             |  |  |   |   |          |

### B

*Table showing the division of the record and the description of the papers falling under each division.*

(Rule 2.)

Class of cases.

Divisions of the records and description of the papers falling under each division.

#### PART I.

|                              |   |  |
|------------------------------|---|--|
| Trials (other than summary). | { | 1. Index.  |
|                              |   | 2. Judgment and sentence, if any (original and appellate).   |
|                              |   | 3. Petition of appeal, or application for revision, or letter of referring court and judgment and order thereon. |
|                              |   | 4. Charges.  |
|                              |   | 5. Documentary evidence.   |



| PART I—(continued.)          |   |
|------------------------------|---|
| Class of cases.              | Divisions of the records and description of the papers falling under each division.   |
| Summary Trials . . .         | All papers including Register.  |
| Miscellaneous cases . . .    | 1. Index.   |
|                              | 2. Order, and grounds, if any (original and appellate).   |
|                              | 3. Petition of appeal, or application for revision, or letter of referring court and judgment and order thereon.                                      |
|                              | 4. Documentary evidence.  |
| PART II.                     |   |
| Trials (other than summary). | 1. Warrant of commitment to jail, if any.   |
|                              | 2. Complaints, to magistrates, when acted upon by the magistrate.   |
|                              | 3. Reports by the Police under sections 173 and 174 of the Criminal Procedure Code, Act V of 1899, when followed by action on the part of the courts. |
|                              | 4. Oral evidence.   |
|                              | 5. All papers not already specified.  |
| Miscellaneous cases . . .    | 1. Oral evidence.   |
|                              | 2. All papers not already specified.  |

C

*Table showing the periods prescribed for the retention of the various parts of the records in the various classes of proceedings.*

(Rule 3.)

| Nature of Proceedings.  | Number of years for which records are to be retained. |          |
|---|---|----------|
|   | Part I.   | Part II. |
| 1. In trials and appeals—   |   |          |
| (a) Sessions cases . . . . .  | 20*   | 3        |
| (b) Warrant cases . . . . .   | 20  | 3        |
| (c) Summons cases . . . . .   | 5   | 3        |
| (d) Summary trials—   |   |          |
| (A) Forms kept under section 263 of the Code of Criminal Procedure and judgments recorded under section 264 in cases where either—                                  |   |          |
| (1) some of the accused or parties proceeded against have not been apprehended, or,   |   |          |
| (2) the accused or any of them have been convicted of an offence, a repetition of which renders the offender liable to whipping or to enhanced punishment . . . . . | 10  | ...      |
| (B) All other records . . . . .   | 3   | ...      |
| 2. In Miscellaneous Proceedings—  |   |          |
| (a) Maintenance . . . . .   | 20  | 3        |
| (b) Security to keep the peace or for good behaviour . . . . .  | 10  | 3        |
| (c) Other Miscellaneous Proceedings . . . . .   | 3   | 3        |

\* In cases in which the sentence passed is one of transportation for life, the judgment must be preserved until a report is received of the convict's death or release.

*Table showing the periods prescribed for the retention of the various Court Registers, books and papers.*

(Rule 4.)

| No. | Description of Court registers, books and papers.   | Number of years for which registers, etc., are to be retained. |                              |
|-----|---|--|------------------------------|
| 1.  | Repealed Acts of permanent value . . . . .  | Permanent.   |                              |
| 2.  | Cash-book and ledger . . . . .  | 10   | from the date of last entry. |
| 3.  | Register (I) of all criminal cases in the Courts of Magistrates . . . . .   | 12   | do.                          |
| 4.  | Do. (II) of summary trials . . . . .  | 12   | do.                          |
| 5.  | Do. (III) of application and of miscellaneous business in the Courts of Magistrates . . . . .   | 12   | do.                          |
| 6.  | Do. (IV) of attendance of witnesses . . . . .   | 3  | do.                          |
| 7.  | Do. (V) of cases tried before the Court of Session . . . . .  | 12   | do.                          |
| 8.  | Do. (VI) of appeals heard . . . . .   | 12   | do.                          |
| 9.  | Do. (VII) of fines imposed and levied . . . . .   | 12   | do.                          |
| 10. | Do. (VIII) of warrants of imprisonment . . . . .  | 12   | do.                          |
| 11. | Do. (IX) of unclaimed and other property produced and sold . . . . .  | 5  | do.                          |
| 12. | Do. (X) of fines and unclaimed proceeds of sale under Cattle Trespass Act . . . . .   | 5  | do.                          |
| 13. | Do. (XII) of previous convictions . . . . .   | 20   | do.                          |
| 14. | Do. (XIII) of powers granted by Local Government or by the Magistrate of the District to Subordinate Magistrates . . . . .  | Permanent.   |                              |
| 15. | Challan and cheque books . . . . .  | 10   |                              |
| 16. | Magisterial Registers of correspondence received and despatched . . . . .   | 5  | do.                          |
| 17. | Other Court or Office Books and Registers . . . . .   | 3  | do.                          |
| 18. | Government of India Gazette . . . . .   | Permanent.   |                              |
| 19. | Other Gazettes . . . . .  | 3  |                              |
| 20. | Yearly and half-yearly statements . . . . .   | 5  |                              |
| 21. | Monthly and quarterly statements including accounts of stamp duties and penalties . . . . .   | 3  |                              |
| 22. | Magisterial Diaries, Police Arrest Returns, Police Occurrence Reports (other than those pertaining to Part I and Police Reports on unnatural and sudden deaths) . . . . . | 8  |                              |
| 23. | Pay and Acquittance Rolls . . . . .   | Permanent.   |                              |
| 24. | Cancelled pleadership certificates . . . . .  | 6  |                              |

[*Gazette of India*, 1907, Pt. II, p. 1183.]

LEGAL PRACTITIONERS RULES, 1900.

*Rules as to fees.*

No. 12, dated the 6th February, 1901.—In exercise of the powers conferred by rule 26 of the Legal Practitioners Rules published under notification<sup>1</sup> No. 2113-I. A. of the Government of India in the Foreign De-

<sup>1</sup> Printed *supra*, p. 160.

partment, dated the 14th May, 1900, and in supersession of the Rules of Practice (Nos. 20 and 23, dated respectively, the 23rd July and 19th September, 1879) framed by the Judicial Commissioner of Mysore, the Hon'ble the Resident in Mysore is pleased to make and issue the following rules for fixing and regulating the fees payable by any party in respect of the fees of his adversary's Advocate or Plender upon all proceedings in the Court of the Resident and in the Courts subordinate thereto:—

Save by special leave of the Court, and except in the case of an Advocate or Plender appearing on behalf of Government, no fee shall in any case be entered as recoverable in a decree or order, except on production of a certificate from the Advocate or Plender that he has received such fee.

2. In suits, or in appeals from original or appellate decree in suits for money, effects or other personal property, or for land or other immovable property of any description, fees shall be payable on the following scale:—

- (a) When such suits or appeals are decided on the merits after contest, or are compromised subsequent to the settlement of issues and after a partial or complete trial, but before delivery of judgment, or where such appeals are decided *ex parte*—
  - (i) if the amount or value of the claim shall not exceed Rs. 5,000, 5 per cent., provided that in no case shall the fee payable be less than five rupees;
  - (ii) if the amount or value shall exceed Rs. 5,000 and shall not exceed Rs. 20,000 on Rs. 5,000 as above, and on the remainder, 2 per cent.;
  - (iii) if the amount or value shall exceed Rs. 20,000 and shall not exceed Rs. 50,000, on Rs. 20,000 as above, and on the remainder, 1 per cent.;
  - (iv) if the amount or value shall exceed Rs. 50,000 and shall not exceed Rs. 80,000, on Rs. 50,000 as above, and on the remainder,  $\frac{1}{2}$  per cent.;
  - (v) if the amount or value shall exceed Rs. 80,000, Rs. 1,000.
- (b) When such suits are decided *ex parte*, or when such suits or appeals are decided on confession of judgment, or are dismissed for default after all the requisite pleadings have been filed, or are compromised after the settlement of issues, but before trial—
  - (i) if the amount or value of the claim shall not exceed Rs. 5,000, not exceeding  $2\frac{1}{2}$  per cent., provided that in no case shall the fee payable be less than five rupees;

- not exceed Rs. 20,000, on Rs. 5,000 as above, and on the remainder, not exceeding 1 per cent.;
- (iii) if the amount or value shall exceed Rs. 20,000, and shall not exceed Rs. 50,000, on Rs. 20,000 as above, and on the remainder, not exceeding  $\frac{1}{2}$  per cent.;
- (iv) if the amount or value shall exceed Rs. 50,000, and shall not exceed Rs. 80,000, on Rs. 50,000 as above and on the remainder, not exceeding  $\frac{1}{4}$  per cent.;
- (v) if the amount or value shall exceed Rs. 80,000, not exceeding Rs. 500.

3. In suits or appeals, withdrawn or compromised, (a) before any defence is put in, (b) before the settlement of issues, but after defence is put in, or dismissed for default without a determination on the merits of the case before all the requisite pleadings have been filed in Court, and in appeals from orders, re-hearing on review and other miscellaneous cases, including proceedings in execution of decrees, fees shall be payable on the following scale:—

- (i) if the amount or value of the claim shall not exceed Rs. 5,000,  $\frac{1}{4}$  per cent.; provided that the fee shall not be less than Rs. 5 in any case other than a proceeding in execution;
- (ii) if the amount or value shall exceed Rs. 5,000, and shall not exceed Rs. 20,000, on Rs. 5,000 as above, and on the remainder,  $\frac{1}{2}$  per cent.;
- (iii) if the amount or value shall exceed Rs. 20,000, and shall not exceed Rs. 50,000, on Rs. 20,000 as above, and on the remainder,  $\frac{1}{4}$  per cent.;
- (iv) if the amount or value shall exceed Rs. 50,000, and shall not exceed Rs. 80,000, on Rs. 50,000 as above, and on the remainder,  $\frac{1}{8}$  per cent.;
- (v) if the amount or value shall exceed Rs. 80,000, Rs. 250;
- (vi) in applications for execution of decrees, the fees shall be calculated on the amount realised by the application.

4. In all miscellaneous applications after decree which are decided on the merits after contest, except such as have been hereinbefore specially provided for, a reasonable fee, not in any case exceeding Rs. 20 in the Court of the Resident or Rs. 10 in a Court subordinate thereto, shall be allowed.

5. The words "the amount or value of the claim" in Rules 2 and 3 mean the value as set forth in the plaint or memorandum of appeal, and, where Court-fees are payable *ad valorem*, the value on which such Court-fees are paid.

6. Fractions of a rupee in the amount or value of a claim are to be rejected in calculating the fee payable thereupon.

7. In cases in which the subject matter of the claim does not admit of valuation, the Court shall fix a reasonable fee not less than five rupees, regard being had to the time occupied in the preparation and hearing of the case and the nature of the questions raised therein.

8. If several defendants or respondents, who have a joint or common interest, succeed upon a joint defence, or upon separate defences substantially the same, not more than one fee shall be allowed, unless the Court shall otherwise order for a reason which shall be recorded in the judgment. If only one fee be allowed, the Court shall direct to which of the defendants or respondents it shall be paid, or shall apportion it among the several defendants or respondents in such manner as the Court shall think fit.

9. If several defendants or respondents, who have separate interests, set up separate and distinct defences and succeed thereon, a fee for one legal practitioner for each of the defendants or respondents who shall appear by a separate legal practitioner, may be allowed in respect of his separate interests. Such fee, if allowed, shall be calculated, with reference to the value of the separate interest of such defendant or respondent, in the manner hereinbefore prescribed.

10. For each fee allowed under the two last preceding rules, the value of the stamp on one vakalatnama only shall be awarded as costs.

11. Except where an adjournment is made with the consent of all parties, or where, from insufficiency of notice, a party has not had reasonable time to prepare himself for trial, or where the adjournment is necessitated by a cause beyond the control of the party, an adjournment should not be granted save on the condition that the party applying pays all the costs of the day, including a reasonable fee not exceeding Rs. 10, to the legal practitioner engaged by his adversary.

12. The fee allowed on the percentage scale for prosecuting or defending a suit is intended to cover all proceedings up to decree; and where a suit is remitted for re-hearing and disposal or for a finding on issues, the proceedings on such order must be regarded as a further proceeding in the trial of the suit, and no further fee can be allowed in respect of such proceedings.

#### *Small Cause Courts.*

13. In suits under Act IX of 1887 (the Provincial Small Cause Courts Act) where costs are awarded by the Court, and where the certificate prescribed in rule 1 of these rules has been obtained, the fees payable in

- 
- (ii) if the amount or value shall exceed Rs. 5,000, and shall not exceed Rs. 20,000, on Rs. 5,000 as above, and on the remainder, not exceeding 1 per cent.;
  - (iii) if the amount or value shall exceed Rs. 20,000, and shall not exceed Rs. 50,000, on Rs. 20,000 as above, and on the remainder, not exceeding  $\frac{1}{2}$  per cent.;
  - (iv) if the amount or value shall exceed Rs. 50,000, and shall not exceed Rs. 80,000, on Rs. 50,000 as above and on the remainder, not exceeding  $\frac{1}{4}$  per cent.;
  - (v) if the amount or value shall exceed Rs. 80,000, not exceeding Rs. 500.

3. In suits or appeals, withdrawn or compromised, (a) before any defence is put in, (b) before the settlement of issues, but after defence is put in, or dismissed for default without a determination on the merits of the case before all the requisite pleadings have been filed in Court, and in appeals from orders, re-hearing on review and other miscellaneous cases, including proceedings in execution of decrees, fees shall be payable on the following scale:—

- (i) if the amount or value of the claim shall not exceed Rs. 5,000,  $1\frac{1}{4}$  per cent.; provided that the fee shall not be less than Rs. 5 in any case other than a proceeding in execution;
- (ii) if the amount or value shall exceed Rs. 5,000, and shall not exceed Rs. 20,000, on Rs. 5,000 as above, and on the remainder,  $\frac{1}{2}$  per cent.;
- (iii) if the amount or value shall exceed Rs. 20,000, and shall not exceed Rs. 50,000, on Rs. 20,000 as above, and on the remainder,  $\frac{1}{4}$  per cent.;
- (iv) if the amount or value shall exceed Rs. 50,000, and shall not exceed Rs. 80,000, on Rs. 50,000 as above, and on the remainder,  $\frac{1}{8}$  per cent.;
- (v) if the amount or value shall exceed Rs. 80,000, Rs. 250;
- (vi) in applications for execution of decrees, the fees shall be calculated on the amount realised by the application.

4. In all miscellaneous applications after decree which are decided on the merits after contest, except such as have been hereinbefore specially provided for, a reasonable fee, not in any case exceeding Rs. 20 in the Court of the Resident or Rs. 10 in a Court subordinate thereto, shall be allowed.

5. The words “the amount or value of the claim” in Rules 2 and 3 mean the value as set forth in the plaint or memorandum of appeal, and, where Court-fees are payable *ad valorem*, the value on which such Court-fees are paid.

III. Interest shall accrue, from the date of disbursement of loans. If the loan is disbursed in instalments, interest on each instalment shall run from the date of the disbursement of such instalment.

IV. *Period allowed for repayment and method of recovery.*—Loans shall be repayable by equal annual instalments discharging both principal and interest, the time allowed for repayment being fixed by the Collector with reference to the convenience of the borrower and the circumstances of the case, but so as not to exceed the maximum period of 10 years prescribed by section 4 (2) of the Law.

The time for repayment specified above, shall count from the date of the payment of the loan, or where the loan is paid by instalment, from the date of payment of the last instalment.

In cases of extraordinary calamity, involving destruction of property, the Resident in Mysore may suspend the payment of instalments of interest and principal for such period as he may think necessary, and may remit an amount equal to the interest due for the period of such suspension. He may also in such cases sanction an additional loan not exceeding Rs. 500 to an individual to whom a loan has already been granted irrespective of the fact that such additional loan may cause the total amount due on account of principal from that individual to exceed Rs. 1,500.

The time allowed for repayment is liable to revision under rule XIV.

Provided that nothing in this rule shall be taken to preclude a borrower from discharging the loan at an earlier period by payment of a larger amount than the annual instalment. The excess so paid shall be credited at once in reduction of principal and the number of future instalments shall, if necessary, be decreased, but no alteration in the amount of subsequent instalment shall be allowed, nor shall postponement of payment of subsequent instalments be permitted.

V. The first repayment of the principal and interest shall not be demanded within less than twelve months from the date of disbursement of the first instalment of the loan.

VI. Repayment may be made at the Resident's Treasury, Bangalore, through the Collector.

VII. Interest at  $7\frac{1}{2}$  per cent. will be charged on all instalment of interest or of principal overdue.

In calculating interest under this rule, a *lucres* period of a month shall be taken as half a month or one month according as it is less or not less than fifteen days, and a rupee\* may be taken as half a rupee or one rupee according as it is less or not less than eight annas.

\* *Sic.* Read "a fraction of a rupee."

V 1. *Security*.—No loan shall be granted unless the value of the security offered exceeds by at least one-fourth the amount of the loan applied for.

The nature of the security to be required shall be—

(i) the land on which the building is to be erected and the building to be erected thereon; and

(ii) other lands or buildings, or both, belonging to the applicant.

If the value of the applicant's interest in the lands and buildings aforesaid does not exceed by one-fourth the amount of the loan applied for, further security consisting of lands or buildings or both belonging to other persons willing to become his sureties shall be required.

IX. If at any time the Collector is satisfied that any borrower has failed to perform any of the conditions on which the loan was made, he may proceed to recover forthwith from such person or from any surety of such person, the entire unpaid balance of the loan together with any interest payable thereon and costs, as arrears of land revenue.

X. *Mode of application*.—An application for a loan shall in every case be made in writing to the Collector in Form No. 1 hereto annexed (printed copies of which can be obtained from the Collector's Office free of cost) and may be presented in person or sent by post.

XI. No loan shall be granted without a local enquiry. On receipt of an application the Amildar of the Civil and Military Station or other officer empowered by the Collector in this behalf may be required to make summary enquiry as to the correctness of the entries in the application, and as to the *bonâ fides* and the solvency of the applicant and the sufficiency of the security offered, and submit a report to the Collector.

XII. If after local enquiry and such further investigation as may be deemed necessary, the Collector is satisfied that the loan may be granted, he shall record a decision to the effect that the loan asked for, or a less sum, may be given and then shall at once issue an order granting the loan in Form No. II hereto annexed, which shall be signed by the applicant in token that he understands and agrees to the conditions contained therein. The security bond to be taken in the case of collateral securities shall be in Form No. III hereto annexed.

An order rejecting an application for a loan shall be intimated to the applicant by a notice in Form No. IV hereto annexed.

XIII. *Disbursements of loans*.—Loans may, at the discretion of the Collector, be advanced in one or more instalments.

XIV. *Inspection of works*.—The Collector may make provision for the proper inspection of works in course of construction for which loans have been made and for ascertaining and securing that such loans are duly applied to the purpose for which they are made.



III. Interest shall accrue, from the date of disbursement of loans. If the loan is disbursed in instalments, interest on each instalment shall run from the date of the disbursement of such instalment.

IV. *Period allowed for repayment and method of recovery.*—Loans shall be repayable by equal annual instalments discharging both principal and interest, the time allowed for repayment being fixed by the Collector with reference to the convenience of the borrower and the circumstances of the case, but so as not to exceed the maximum period of 10 years prescribed by section 4 (2) of the Law.

The time for repayment specified above, shall count from the date of the payment of the loan, or where the loan is paid by instalment, from the date of payment of the last instalment.

In cases of extraordinary calamity, involving destruction of property, the Resident in Mysore may suspend the payment of instalments of interest and principal for such period as he may think necessary, and may remit an amount equal to the interest due for the period of such suspension. He may also in such cases sanction an additional loan not exceeding Rs. 500 to an individual to whom a loan has already been granted irrespective of the fact that such additional loan may cause the total amount due on account of principal from that individual to exceed Rs. 1,500.

The time allowed for repayment is liable to revision under rule XIV.

Provided that nothing in this rule shall be taken to preclude a borrower from discharging the loan at an earlier period by payment of a larger amount than the annual instalment. The excess so paid shall be credited at once in reduction of principal and the number of future instalments shall, if necessary, be decreased, but no alteration in the amount of subsequent instalment shall be allowed, nor shall postponement of payment of subsequent instalments be permitted.

V. The first repayment of the principal and interest shall not be demanded within less than twelve months from the date of disbursement of the first instalment of the loan.

VI. Repayment may be made at the Resident's Treasury, Bangalore, through the Collector.

VII. Interest at  $7\frac{1}{2}$  per cent. will be charged on all instalments of interest or of principal overdue.

In calculating interest under this rule, a broken period of a month shall be taken as half a month or one month according as it is less or not less than fifteen days, and a rupee\* may be taken as half a rupee or one rupee according as it is less or not less than eight annas.

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\* *Sic.* Read "a fraction of a rupee."

# FORM No. I.

## Form of application for loans under the Bangalore Sanitary Improvements Loans Law, 1906.

1. Name, Father's name and Residence of applicant—
2. Amount of Loan required—
3. Object for which the Loan is required—

| Particulars of the land to be purchased or built upon. |         | The nature and extent of the applicant's right in the land and whether he is the holder and registered proprietor of the land in his own enjoyment. | The nature and position, and proposed building. | Rights of others in the land or building. |   | Security offered. |         |             |                           |                           |    | Name of the person who has offered the land or building as security and his rights in it. | Nature and circumstances, if any, on the property, which are offered as collateral security. | Proposed time of repayment. |    |
|--|---------|---|---|---|---|-------------------|---------|-------------|---------------------------|---------------------------|----|---|--|-----------------------------|----|
| Village, Survey number, and waste land or dry.         | Extent. |   |   | Name.                                     | Nature and extent of right whether co-mortgagor, etc. | Survey number.    | Extent. | Assessment. | In whose name registered. | Other immovable property. |    |   |  |                             |    |
| 1  | 2       | 3   | 4   | 5   | 6   | 7                 | 8       | 9           | 10                        | 11                        | 12 | 13  | 14   | 15                          | 16 |
|  |         |   |   |   |   |                   |         | Area.       |                           | Area.                     |    |   |  |                             |    |

Notes—1. Full information as to applicant's right to purchase or build upon the land should be entered in column 3 and as to the rights of the party who consents to give other security in column 4. 2. In column 15 should be entered the number of years from the date of payment of the loan within which the applicant proposes to repay the loan. This will prevent his discharging the loan sooner if he chooses. 3. Application for a loan may be presented or sent by post or otherwise to the Collector. The application will be free of stamp duty. 4. The loan may be repaid by instalments at the rate of 10 per cent. per annum, the rate for being granted the right to remit the charge in case of borrowers who are known to be poor. 5. The loan may be discharged by a lump sum payment at any time. 6. If the grantee of the loan misappropriates the whole or any portion of the loan or derives any benefit in any of the contents of the grant, the whole unpaid balance of the loan with interest and cost will be liable to summary recovery.

Form of Verification when land or other property is offered as collateral security.

I, the applicant for the above loan, do hereby solemnly declare that what is stated in the above application regarding the nature and extent of the encumbrances on the property offered as security is true to the best of my information and belief and that I believe there are no other encumbrances on the property.

Station

Date

Signature.

FORM No. II.

Order granting a loan under the Bangalore Sanitary Improvements Loans Law, 1906.

(See Rule XII.)

1. The sum of Rupees \_\_\_\_\_ is granted to \_\_\_\_\_ son of \_\_\_\_\_, residing at \_\_\_\_\_, as a loan under the Bangalore Sanitary Improvements Loans Law, 1906, for the purpose of \_\_\_\_\_, subject to the following conditions:—

A. (1) That the amount of this loan shall be paid to the aforesaid \_\_\_\_\_ in \_\_\_\_\_ instalments on the execution of the necessary security bonds, the 1st on the production of this order at the Resident's Treasury, Bangalore, and 2nd on proof that the 1st instalment has been properly utilized.

(2) That if the 1st instalment has not been utilized within the period of \_\_\_\_\_ or if it shall be proved to the satisfaction of the Collector that any portion of the loan has been applied to any other purpose than that above specified, the whole unpaid balance of the loan with interest at 6½ per cent. and costs, if any, shall be deemed to at once become due.

B. (1) That the loan shall be repaid by equal annual instalments of \_\_\_\_\_, commencing from \_\_\_\_\_. It shall be open to the Collector to reduce the number of instalments and to increase the amount of annual payments so as to recover the loan within a shorter period than herein allowed, if he finds it necessary.

(2) Such annual payment shall be made into the Resident's Treasury, Bangalore, through the Collector.

(3) If default in the payment of any instalment of principal or interest occurs, and recovery cannot otherwise be made, the entire unpaid balance of the loan shall be deemed to at once become due and the whole of the lands or buildings specified under condition (C) or such portion thereof as the Collector may deem necessary shall be sold for the recovery of the amount with interest and expenses of sale, if any.

C. That for the repayment of loan with interest and costs, if any, the immovable property specified below is, in addition to the land for the purchase of which or building for the erection of which the loan is made hypothecated as collateral security to Government.

D. That the building for the erection of which this loan is made be begun within \_\_\_\_\_ months and completed within \_\_\_\_\_ months from the date of payment of the 1st instalment of this loan.

Collector.

I have understood and agreed to the aforesaid terms and conditions.

Signature of the borrower.

# RECOVERIES.

| Sums to be repaid. |         | Interest at per cent. from the date of loan to date of first instalment, and in subsequent years for one year on the amount shown in column 2. | Sums repaid.             |             |            | Balance due.                             |   |                            | Remarks. |
|--------------------|---------|--|--------------------------|-------------|------------|--|---|----------------------------|----------|
| Year.              | Amount. |  | Amount paid in the year. | Credited to |            | Interest (i.e. column 3 minus column 5.) | Principal, (i.e., difference of column 2 and column 6). | Initials of the Collector. |          |
|                    |         |  |                          | Interest.   | Principal. |  |   |                            |          |
| 1                  | 2       | 3  | 4                        | 5           | 6          | 7  | 8   | 9                          | 10       |
|                    |         |  |                          |             |            |  |   |                            |          |

## FORM No. III.

*The Bangalore Sanitary Improvements Loans Law, 1906 Security bond to be used when immoveable property is mortgaged as security).*

(See Rule XII.)

Whereas  $\frac{\text{has}}{\text{have}}$  received from the Collector of the Civil and Military Station of Bangalore an order under the Bangalore Sanitary Improvements Loans Law, 1906, in virtue of which  $\frac{\text{I am}}{\text{is}}$  entitled to receive the aggregate sum of Rs. \_\_\_\_\_ as a loan from the Government for the purpose of \_\_\_\_\_ and whereas security for the due application of the loan and for the punctual repayment of the same according to the terms of the order is demanded from  $\frac{\text{me}}{\text{him}}$  :  $\frac{1}{\text{We}}$  the said \_\_\_\_\_ mortgage to Government the immoveable property

\* Here describe the work to be carried out.

mentioned in the schedule below as security and agree that if <sup>1 fail</sup><sub>Le fail</sub> to comply with the terms on which the loan has been granted either by misapplying the same or by failing to repay any instalment of the said loan or any interest chargeable thereon or costs, if any, incurred in the making thereof, on the date on which it may become due, it shall be lawful for the Collector to recover from the said property such sum as may be necessary to make good the amount which in consequence of <sup>my</sup><sub>his</sub> default may be due from me (or him).

SCHEDULE.

| Regulation District. | Regulation Sub-District. | Village. | If the property is house-property. |   |   |                    | If cultivable land. |             |         |             |
|----------------------|--------------------------|----------|------------------------------------|---|---|--------------------|---------------------|-------------|---------|-------------|
|                      |                          |          | Boundaries of the property.        | Description and value of building and land thereon, likely to be built. | Extent of building site and of vacant ground or compound. | Trees, wells, etc. | Survey number.      | Wet or dry. | Extent. | Assessment. |
| 1                    | 2                        | 3        | 4                                  | 5   | 6   | 7                  | 8                   | 9           | 10      | 11          |
|                      |                          |          |                                    |   |   |                    |                     |             |         |             |

BANGALORE:

Dated 10 .

(Signature of <sup>borrower</sup><sub>surety</sub>).

Witness

- (1) son of village of
- (2) son of village of

*Notice intimating rejection of application under the Bangalore Sanitary Improvements Loans Law, 1906.*

Application No.                      of                      on the file of the Collector, Civil and Military Station, Bangalore, name                      of village                      is hereby informed that his application for a loan of Rs.                      under the Bangalore Sanitary Improvements Loans Law, 1906, has been rejected for the following reasons:—

*Collector.*

19 .

NOTE.—This notice should be prepared in duplicate and one copy delivered to the party; if he could not be found it should be left for him with some adult male member of his family residing with him. The other copy should be returned to the Collector with the certificate under the hand of the server as to mode in which the service was effected.

FORM No. V.

*Register of applications for loans under the Bangalore Sanitary Improvements Loans Law, 1906.*

| Serial number of application. | Date of receipt of application. | Name, father's name, and residence of applicant. | Name of locality in which the loan is to be utilized. | Amount of loan to be repaid. | Purpose for which loan is required. | Reference.        |                           |                           | Whether loan sanctioned or refused. (If refused, specify reasons.) | Amount sanctioned; number and date of receipt of instalment; and date of payment of principal. | Remarks. |    |
|-------------------------------|---------------------------------|--|---|------------------------------|-------------------------------------|-------------------|---------------------------|---------------------------|--|--|----------|----|
|                               |                                 |  |   |                              |                                     | To whom referred. | Date of receipt of reply. | Date of receipt of reply. |  |  |          |    |
| 1                             | 2                               | 3  | 4   | 5                            | 6                                   | 7                 | 8                         | 9                         | 10   | 11   | 12       | 13 |

[Gazette of India, 1907, Pt. II, p. 40.]

BANGALORE HOUSE ACCOMMODATION LAW, 1927.

*Bangalore House Accommodation Rules, 1927.*

*No. 414-I., dated the 12th July, 1927.*—In exercise of the powers conferred by section 33 of the Bangalore House Accommodation Law, 1927<sup>1</sup>, the Governor General in Council is pleased to make the following rules to carry out the purposes and objects of the said Law, the same having been previously published as required by sub-section (1) of section 34 of the said Law, namely:—

**RULES.**

1. *Short title and extent.*—(1) These rules may be called the Bangalore House Accommodation Rules, 1927.

(2) They extend to those parts of the Civil and Military Station of Bangalore in which the Bangalore House Accommodation Law, 1927, hereinafter referred to as “ the Law ” is for the time being operative.

2. *Form of notices.*—(1) Every notice prescribed by section 6 or section 7 of the Law shall be in the appropriate form set forth in Schedule A with such variations as the circumstances of each case may require.

(2) The lease referred to in section 7 of the Law shall, as nearly as may be, be executed in the form set forth in Schedule B.

3. *Service of notices.*—Any notice issued under the Law or these rules, if not served by post under section 32 of the Law, may be served by any person authorised by the District Magistrate in this behalf:—

(a) by giving or tendering a duly signed copy thereof to the person to whom it is addressed; or

(b) where the notice cannot be served in the manner specified in clause (a), by causing it to be affixed to some conspicuous part of the house to which it relates, and by publishing it in one vernacular and one daily English newspaper published within the Station.

4. *Petition of appeal.*—Every petition of appeal under section 27 of the Law shall state the grounds of appeal.

5. *Notice of meetings of Committee of Arbitration.*—When a Committee of Arbitration, hereinafter referred to as “ the Committee ” has been duly constituted and each of the members thereof informed by the District Magistrate of the fact by notice as provided in sub-section (1) of section 23 of the Law, the Chairman of the Committee shall, within a week from receipt of such notice, fix the time and place of meeting and give notice of the same in writing to the other members of the Committee, and through the District Magistrate, to the parties concerned.

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<sup>1</sup> Printed *supra*, p. 190.



6. *Contents of notice.*—The notice given to the parties under rule 5 shall state the purpose for which the Committee will assemble, and shall contain a direction to them to produce their evidence, oral and documentary, on the date fixed, or if they are unable to do so, to forward to the Chairman at least seven days prior to the day of the meeting, a list of the witnesses whom they desire to be summoned in their behalf, either to give evidence or to produce documents relating to the matter in dispute.

7. *Chairman to move District Magistrate for issue of process.*—On receipt of the lists of the witnesses and documents, if any, the Chairman shall, if he considers the request made for the attendance of the witnesses named and the production of the documents called for to be reasonable, transmit the list to the District Magistrate for the issue of the necessary processes under sub-section (2) of section 23 of the Law. If he considers the attendance of any witness named or the production of any document called for to be unnecessary, he shall inform the party concerned and the question whether such witness shall be summoned or such document called for shall be determined by the Committee at their first meeting.

8. *Power of Chairman to call additional evidence.*—It shall be open to the Chairman to call for the attendance of witnesses or the production of documents other than those named by the parties and to transmit a list of such witnesses and documents to the District Magistrate for the issue of the necessary process.

9. *Record of Award.*—(1) The Chairman shall record in the award the question for decision, the number of the order of the District Magistrate convening the Committee, the names and status of the members thereof, and the decision arrived at. The award shall be signed by the Chairman and the members of the Committee, and shall be forwarded by the Chairman in duplicate to the District Magistrate for disposal.

(2) The dissent of any member from any decision of the Committee of Arbitration with his reasons, therefor, shall, if such member so request, be attached by the Chairman to the proceedings.

10. *Power to correct mistake.*—The Committee shall have power to correct any clerical mistake or error in its award which may have arisen from any accidental error or omission.

11. *Power of entry and inspection.*—The Committee, or any members thereof or any person specially authorised by them in this behalf may enter into or on any building or land, which is the subject of arbitration; and may make such inspection and may cause such expert examination to be made as they think fit.

12. *Contents of requisition for reference to Committee.*—Every requisition for reference of any question to a Committee of Arbitration shall set forth the grounds upon which the applicant relies.

13. *Replacement of member dying or becoming unable to act.*—Where any member of the Committee dies or becomes incapable of acting, the officer or the owner as the case may be, who nominated him shall nominate another person in his place within seven days from the date on which he is called upon to do so: and if he fails to do so, the District Magistrate shall forthwith appoint a member in his place.

14. *Supply of copy of award.*—The Chairman shall furnish a copy of the award to each of the parties free of charge and shall then forward the original to the District Magistrate.

15. *Limitations on power of entry, etc.*—Any power of entry, inspection, measurement or survey conferred by the Law or these rules shall be exercised in accordance with the following provisions, namely:—

- (a) such power shall be exercised only between sunrise and sunset;
- (b) in the case of an occupied building or occupied land such power shall not, save with the consent of the occupier, be exercised unless twenty-four hours' notice in writing has been given to the said occupier;
- (c) when in the exercise of such power a building used as a human dwelling is entered, due regard shall be paid to the social and religious sentiments of the occupiers; and no apartment in the actual occupancy of a woman shall be entered until she has been informed that she is at liberty to withdraw, and every reasonable facility has been afforded to her for withdrawing.

16. *Penalty for obstruction.*—Whoever obstructs any person, not being a public servant within the meaning of section of the Indian Penal Code, in any entry, inspection, measurement or survey which such person is authorised to make under the Law or these rules, shall be punished with fine which may extend to fifty rupees, and in the case of a continuing offence with fine which in addition to such fine as aforesaid may extend to five rupees for every day after the first day during which such offence continues.

17. *Duty of absentee owner to appoint agent.*—(1) Whoever, being the owner of any building or land in any part of the Station to which the Law has been applied is absent therefrom, shall appoint some person residing in or near the Station to act as his agent for all the purposes of the said Law, and shall notify such appointment to the District Magistrate in writing.

(2) Whoever fails to appoint an agent or to notify such appointment as required by sub-section (1), shall be punishable with fine which may extend to twenty rupees, and, in the case of a continuing failure, with an additional fine not exceeding five rupees for every day after the first in regard to which he is convicted of having persisted in the failure.

SCHEDULE A.

[See Rule 2 (1).]

FORM I.

*Notice to owner under sub-section (1) of section 6 of the Bangalore House  
Accommodation Law, 1927.*

To

Whereas I, District Magistrate, Civil and Military Station,  
Bangalore, consider that the liability imposed by section 6  
of the Bangalore House Accommodation Law, 1927, should be enforced  
in respect of house No. situated at within the said  
Station of which house you are the owner:—

This is to require you to permit the said house to be inspected,  
measured and surveyed by on the day of

19 , at A.M.  
P.M.

(Signed)

District Magistrate,  
Civil and Military Station.

Dated

FORM II.

*Notice to owner under clause (a) [and clause (c)] of sub-section (1) of  
section 7 of the Bangalore House Accommodation Law, 1927.*

To

Whereas on the report of I, District Magistrate of the  
Civil and Military Station of Bangalore, am satisfied that house No.  
situated at within the said Station, of which you are the  
owner, is suitable for occupation by a Military Officer or a Military  
Mess, and whereas the Resident in Mysore has directed the issue of this  
notice:—

Take notice that you are hereby required to execute on or before the  
day of 19 , a lease of the said house to the Government  
for a period of years:—

And take notice that the amount of the annual rent proposed as reason-  
able for the said house (\*calculated on the assumption that you will  
carry out the repairs hereinafter required) is Rs. and that

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\* To be omitted where the owner is not required to execute repairs under clause  
(c) of section 7 (1).

unless within a period of fifteen days from the service of this notice you require the matter to be referred to a Committee of Arbitration you will be deemed to have accepted the said rent. (\*And take notice that you are hereby further required to execute on or before the                      day of 19                      , at a total estimated cost of Rs.                      the repairs specified in the annexed list, being in my opinion necessary for the purpose of putting the house into a state of reasonable repair.)

List of repairs to be executed.

Nature of repairs. Estimated cost.

Dated                      District Magistrate, Civil and Military Station,  
Bangalore.

### FORM III.

*Notice to occupier under clause (b) of sub-section (1) of section 7 of the Bangalore House Accommodation Law, 1927.*

To

Whereas on the report of                      I,                      District Magistrate, Civil and Military Station, am satisfied that house No.                      situated at                      within the said Station, of which you are the existing occupier, is suitable for occupation by a Military Officer or a Military Mess, and whereas the Resident in Mysore has directed the issue of this notice:—

Take notice that you are hereby required to vacate the said house on or before the                      day of                      19                      .

Signed.

Dated

District Magistrate, Civil and Military  
Station, Bangalore.

### SCHEDULE B.

[Rule 2 (2).]

### FORM IV.

THIS INDENTURE made the                      day of                      one thousand nine hundred and                      BETWEEN                      of                      (hereinafter called the lessor which expression shall where the context so admits include his heirs, representatives and assigns) of the one part and THE SECRETARY OF STATE FOR INDIA IN COUNCIL (hereinafter called the lessee which expression shall include his successors in office and assigns) of the other part.

\* To be omitted where the owner is not required to execute repairs under clause (c) of section 7 (1).

WHEREAS the lessor is the owner of the premises intended to be hereby demised AND WHEREAS the said District Magistrate has by notice issued under sub-section (1) of section 7 of the Bangalore House Accommodation Law, 1927 (hereinafter called the Law) required the lessor to execute a lease of the premises hereby demised.

NOW THIS INDENTURE WITNESSETH AS FOLLOWS:—

I. The lessor hereby lets and the lessee takes all that dwelling house situate in <sup>Road in</sup> ~~Street~~ Civil and Military Station, Bangalore, which premises contain by admeasurement or thereabouts and are delineated and coloured on the map or plan hereto annexed TOGETHER with the out-buildings, grounds, garden, trees, fences hedges, ditches, wells, easements and appurtenances whatsoever to the said dwelling house and premises belonging or usually held or enjoyed therewith for a period of years from the day of at the rent of Rs. payable first of such payments being made on

II. The lessee hereby covenants with the lessor—

- (1) That he will pay the rent hereby reserved at the times aforesaid.
- (2) That he will yield up the said dwelling house on the expiration of this lease in a state of reasonable repair.
- (3) That he will maintain the grounds and the garden (if any) appertaining to the said dwelling house in the condition in which they are at the date of these presents.

IN WITNESS whereof the Lessor and (add designation) by the order and direction of the Governor General in Council acting in the premises for and on behalf of the Secretary of State have hereunto set their hands this day of 19 .

Signed by the abovenamed in the presence of  
Signed by the said (add designation) by the order and direction of the Governor General of India in Council acting in the premises for and on behalf of the Secretary of State in the presence of

[*Gazette of India*, 1927, Pt. I. p. 711.]

table given in B of the appendix, and, to facilitate this division, each paper will, as soon as it is filed with the record, be numbered and marked off in the index as pertaining to one or another of such parts.

3. The parts of records described in the table given in C of the appendix will be retained for the periods respectively specified against them from the date of their completion, provided that in any case the presiding judge or magistrate may, for reasons to be recorded in writing, direct that any of the papers in any one part be transferred to any other part for which a longer period of retention is prescribed; in which case the fact will be noted in the index, and the papers dealt with as if they had belonged from the commencement to the part to which they were so transferred.

4. The Court registers, books and papers, described in the table given in D of the appendix, will be retained for the periods respectively specified against them, reckoning from their respective dates or from the dates at which they close:

Provided that the district magistrate may, in his discretion, direct the retention, for a longer period or permanently, of papers which he may consider likely to be useful in the future, as containing the results of enquiries or other information, or the opinions of experienced officers in matters connected with the general administration of justice, and provided, also, that no Criminal Court subordinate to the magistrate of the district shall cause any papers to be destroyed under the next succeeding rule without having first obtained from such magistrate of the district permission in writing to do so.

(a) Where any document, of which the destruction is ordered by these rules, is before it has been destroyed, made evidence in any other proceeding the rule regulating its destruction will be the rule applicable to the evidence filed in such proceeding, where the period prescribed by such last-mentioned rule is in excess of the period prescribed by the rule which originally governed its destruction.

5. All records, books and papers, described in the tables given in C and D of the appendix, must be destroyed, without fail, at the expiration of the periods respectively indicated against them.

6. Records, books and papers to be destroyed under rule 5 are to be burnt in the presence of the record-keeper.

7. To enable parties, who have filed documents in Court, to withdraw the same before the periods appointed for their destruction, a notice will be published in the *Gazette of India* in January of each year, stating that all documents filed in the magisterial cases (to be therein enumerated) will, unless previously reclaimed, be destroyed at the expiration of the period indicated in the notice; and the following note will also be entered at the foot of every copy of an order granted to any of the parties to the

proceeding in which such order was made, or to the pleaders or authorized agents of such parties:—

The parties should apply, as soon as possible, for the return of all exhibits which they may wish to preserve, as the record will be liable to be destroyed after 3 years from this date.

9. The above rules do not apply to non-magisterial records of revenue officers, such as *Gazette* files, etc., but apply only to the judicial records of those officers.

## APPENDIX.

### A

#### FORM OF INDEX.

(Rules 1 and 2.)

(*Application or Appeal or Criminal Case*) No.      of 19      on the  
file of the      Court of      in the District of      .

| Serial Number of the paper. | Description of the paper and its date. | Date when the paper was filed in the case. | Number of the part of the record to which the paper appertains. | Alphabetical or numerical mark of the exhibits filed. | Remarks. |
|-----------------------------|--|--|---|---|----------|
|                             |  |  |   |   |          |

### B

*Table showing the division of the record and the description of the papers falling under each division.*

(Rule 2.)

Class of cases.

Divisions of the records and description of the papers falling under each division.

#### PART I.

|                              |   |  |
|------------------------------|---|--|
| Trials (other than summary). | { | 1. Index.  |
|                              |   | 2. Judgment and sentence, if any (original and appellate).   |
|                              |   | 3. Petition of appeal, or application for revision, or letter of referring court and judgment and order thereon. |
|                              |   | 4. Charges.  |
|                              |   | 5. Documentary evidence.   |

| PART I—(continued.)          |   |
|------------------------------|---|
| Class of cases.              | Divisions of the records and description of the papers falling under each division.   |
| Summary Trials . . .         | All papers including Register.  |
| Miscellaneous cases . . .    | 1. Index.   |
|                              | 2. Order, and grounds, if any (original and appellate).   |
|                              | 3. Petition of appeal, or application for revision, or letter of referring court and judgment and order thereon.                                      |
|                              | 4. Documentary evidence.  |
| PART II.                     |   |
| Trials (other than summary). | 1. Warrant of commitment to jail, if any.   |
|                              | 2. Complaints, to magistrates, when acted upon by the magistrate.   |
|                              | 3. Reports by the Police under sections 173 and 174 of the Criminal Procedure Code, Act V of 1899, when followed by action on the part of the courts. |
|                              | 4. Oral evidence.   |
|                              | 5. All papers not already specified.  |
| Miscellaneous cases . . .    | 1. Oral evidence.   |
|                              | 2. All papers not already specified.  |

C

Table showing the periods prescribed for the retention of the various parts of the records in the various classes of proceedings.

(Rule 3.)

| Nature of Proceedings.  | Number of years for which records are to be retained. |          |
|---|---|----------|
|   | Part I.   | Part II. |
| 1. In trials and appeals—   |   |          |
| (a) Sessions cases . . . . .  | 20*   | 3        |
| (b) Warrant cases . . . . .   | 20  | 3        |
| (c) Summons cases . . . . .   | 5   | 3        |
| (d) Summary trials—   |   |          |
| (A) Forms kept under section 263 of the Code of Criminal Procedure and judgments recorded under section 264 in cases where either—                                  |   |          |
| (1) some of the accused or parties proceeded against have not been apprehended, or,   |   |          |
| (2) the accused or any of them have been convicted of an offence, a repetition of which renders the offender liable to whipping or to enhanced punishment . . . . . | 10  | ...      |
| (B) All other records . . . . .   | 3   | ...      |
| 2. In Miscellaneous Proceedings—  |   |          |
| (a) Maintenance . . . . .   | 20  | 3        |
| (b) Security to keep the peace or for good behaviour . . . . .  | 10  | 3        |
| (c) Other Miscellaneous Proceedings . . . . .   | 3   | 3        |

\* In cases in which the sentence passed is one of transportation for life, the judgment must be preserved until a report is received of the convict's death or release.



*Table showing the periods prescribed for the retention of the various Court Registers, books and papers.*

(Rule 4.)

| No. | Description of Court registers, books and papers.   | Number of years for which registers, etc., are to be retained. |                              |
|-----|---|--|------------------------------|
| 1.  | Repealed Acts of permanent value . . . . .  | Permanent.   |                              |
| 2.  | Cash-book and ledger . . . . .  | 10   | from the date of last entry. |
| 3.  | Register (I) of all criminal cases in the Courts of Magistrates . . . . .   | 12   | do.                          |
| 4.  | Do. (II) of summary trials . . . . .  | 12   | do.                          |
| 5.  | Do. (III) of application and of miscellaneous business in the Courts of Magistrates . . . . .   | 12   | do.                          |
| 6.  | Do. (IV) of attendance of witnesses . . . . .   | 3  | do.                          |
| 7.  | Do. (V) of cases tried before the Court of Session . . . . .  | 12   | do.                          |
| 8.  | Do. (VI) of appeals heard . . . . .   | 12   | do.                          |
| 9.  | Do. (VII) of fines imposed and levied . . . . .   | 12   | do.                          |
| 10. | Do. (VIII) of warrants of imprisonment . . . . .  | 12   | do.                          |
| 11. | Do. (IX) of unclaimed and other property produced and sold . . . . .  | 5  | do.                          |
| 12. | Do. (X) of fines and unclaimed proceeds of sale under Cattle Trespass Act . . . . .   | 5  | do.                          |
| 13. | Do. (XII) of previous convictions . . . . .   | 20   | do.                          |
| 14. | Do. (XIII) of powers granted by Local Government or by the Magistrate of the District to Subordinate Magistrates . . . . .  | Permanent.   |                              |
| 15. | Challan and cheque books . . . . .  | 10   |                              |
| 16. | Magisterial Registers of correspondence received and despatched . . . . .   | 5  | do.                          |
| 17. | Other Court or Office Books and Registers . . . . .   | 3  | do.                          |
| 18. | Government of India Gazette . . . . .   | Permanent.   |                              |
| 19. | Other Gazettes . . . . .  | 3  |                              |
| 20. | Yearly and half-yearly statements . . . . .   | 5  |                              |
| 21. | Monthly and quarterly statements including accounts of stamp duties and penalties . . . . .   | 3  |                              |
| 22. | Magisterial Diaries, Police Arrest Returns, Police Occurrence Reports (other than those pertaining to Part I and Police Reports on unnatural and sudden deaths) . . . . . | 3  |                              |
| 23. | Pay and Acquittance Rolls . . . . .   | Permanent.   |                              |
| 24. | Cancelled pleadership certificates . . . . .  | 6  |                              |

[*Gazette of India*, 1907, Pt. II, p. 1183.]

LEGAL PRACTITIONERS RULES, 1900.

*Rules as to fees.*

No. 12, dated the 6th February, 1901.—In exercise of the powers conferred by rule 26 of the Legal Practitioners Rules published under notification<sup>1</sup> No. 2113-I. A. of the Government of India in the Foreign De-

<sup>1</sup> Printed *supra*, p. 160.

partment, dated the 14th May, 1900, and in supersession of the Rules of Practice (Nos. 20 and 23, dated respectively, the 23rd July and 19th September, 1879) framed by the Judicial Commissioner of Mysore, the Hon'ble the Resident in Mysore is pleased to make and issue the following rules for fixing and regulating the fees payable by any party in respect of the fees of his adversary's Advocate or Plender upon all proceedings in the Court of the Resident and in the Courts subordinate thereto:—

Save by special leave of the Court, and except in the case of an Advocate or Plender appearing on behalf of Government, no fee shall in any case be entered as recoverable in a decree or order, except on production of a certificate from the Advocate or Plender that he has received such fee.

2. In suits, or in appeals from original or appellate decree in suits for money, effects or other personal property, or for land or other immovable property of any description, fees shall be payable on the following scale:—

- (a) When such suits or appeals are decided on the merits after contest, or are compromised subsequent to the settlement of issues and after a partial or complete trial, but before delivery of judgment, or where such appeals are decided *ex parte*—
  - (i) if the amount or value of the claim shall not exceed Rs. 5,000, 5 per cent., provided that in no case shall the fee payable be less than five rupees;
  - (ii) if the amount or value shall exceed Rs. 5,000 and shall not exceed Rs. 20,000 on Rs. 5,000 as above, and on the remainder, 2 per cent.;
  - (iii) if the amount or value shall exceed Rs. 20,000 and shall not exceed Rs. 50,000, on Rs. 20,000 as above, and on the remainder, 1 per cent.;
  - (iv) if the amount or value shall exceed Rs. 50,000, and shall not exceed Rs. 80,000, on Rs. 50,000 as above, and on the remainder,  $\frac{1}{2}$  per cent.;
  - (v) if the amount or value shall exceed Rs. 80,000, Rs. 1,000.
- (b) When such suits are decided *ex parte*, or when such suits or appeals are decided on confession of judgment, or are dismissed for default after all the requisite pleadings have been filed, or are compromised after the settlement of issues, but before trial—
  - (i) if the amount or value of the claim shall not exceed Rs. 5,000, not exceeding  $2\frac{1}{2}$  per cent., provided that in no case shall the fee payable be less than five rupees;

- not exceed Rs. 20,000, on Rs. 5,000 as above, and on the remainder, not exceeding 1 per cent.;
- (iii) if the amount or value shall exceed Rs. 20,000, and shall not exceed Rs. 50,000, on Rs. 20,000 as above, and on the remainder, not exceeding  $\frac{1}{2}$  per cent.;
- (iv) if the amount or value shall exceed Rs. 50,000, and shall not exceed Rs. 80,000, on Rs. 50,000 as above and on the remainder, not exceeding  $\frac{1}{4}$  per cent.;
- (v) if the amount or value shall exceed Rs. 80,000, not exceeding Rs. 500.

3. In suits or appeals, withdrawn or compromised, (a) before any defence is put in, (b) before the settlement of issues, but after defence is put in, or dismissed for default without a determination on the merits of the case before all the requisite pleadings have been filed in Court, and in appeals from orders, re-hearing on review and other miscellaneous cases, including proceedings in execution of decrees, fees shall be payable on the following scale:—

- (i) if the amount or value of the claim shall not exceed Rs. 5,000,  $\frac{1}{4}$  per cent.; provided that the fee shall not be less than Rs. 5 in any case other than a proceeding in execution;
- (ii) if the amount or value shall exceed Rs. 5,000, and shall not exceed Rs. 20,000, on Rs. 5,000 as above, and on the remainder,  $\frac{1}{2}$  per cent.;
- (iii) if the amount or value shall exceed Rs. 20,000, and shall not exceed Rs. 50,000, on Rs. 20,000 as above, and on the remainder,  $\frac{1}{4}$  per cent.;
- (iv) if the amount or value shall exceed Rs. 50,000, and shall not exceed Rs. 80,000, on Rs. 50,000 as above, and on the remainder,  $\frac{1}{8}$  per cent.;
- (v) if the amount or value shall exceed Rs. 80,000, Rs. 250;
- (vi) in applications for execution of decrees, the fees shall be calculated on the amount realised by the application.

4. In all miscellaneous applications after decree which are decided on the merits after contest, except such as have been hereinbefore specially provided for, a reasonable fee, not in any case exceeding Rs. 20 in the Court of the Resident or Rs. 10 in a Court subordinate thereto, shall be allowed.

5. The words "the amount or value of the claim" in Rules 2 and 3 mean the value as set forth in the plaint or memorandum of appeal, and, where Court-fees are payable *ad valorem*, the value on which such Court-fees are paid.

- (ii) if the amount or value shall exceed Rs. 5,000, and shall not exceed Rs. 20,000, on Rs. 5,000 as above, and on the remainder, not exceeding 1 per cent.;
- (iii) if the amount or value shall exceed Rs. 20,000, and shall not exceed Rs. 50,000, on Rs. 20,000 as above, and on the remainder, not exceeding  $\frac{1}{2}$  per cent.;
- (iv) if the amount or value shall exceed Rs. 50,000, and shall not exceed Rs. 80,000, on Rs. 50,000 as above and on the remainder, not exceeding  $\frac{1}{4}$  per cent.;
- (v) if the amount or value shall exceed Rs. 80,000, not exceeding Rs. 500.

3. In suits or appeals, withdrawn or compromised, (a) before any defence is put in, (b) before the settlement of issues, but after defence is put in, or dismissed for default without a determination on the merits of the case before all the requisite pleadings have been filed in Court, and in appeals from orders, re-hearing on review and other miscellaneous cases, including proceedings in execution of decrees, fees shall be payable on the following scale:—

- (i) if the amount or value of the claim shall not exceed Rs. 5,000,  $1\frac{1}{4}$  per cent.; provided that the fee shall not be less than Rs. 5 in any case other than a proceeding in execution;
- (ii) if the amount or value shall exceed Rs. 5,000, and shall not exceed Rs. 20,000, on Rs. 5,000 as above, and on the remainder,  $\frac{1}{2}$  per cent.;
- (iii) if the amount or value shall exceed Rs. 20,000, and shall not exceed Rs. 50,000, on Rs. 20,000 as above, and on the remainder,  $\frac{1}{4}$  per cent.;
- (iv) if the amount or value shall exceed Rs. 50,000, and shall not exceed Rs. 80,000, on Rs. 50,000 as above, and on the remainder,  $\frac{1}{8}$  per cent.;
- (v) if the amount or value shall exceed Rs. 80,000, Rs. 250;
- (vi) in applications for execution of decrees, the fees shall be calculated on the amount realised by the application.

4. In all miscellaneous applications after decree which are decided on the merits after contest, except such as have been hereinbefore specially provided for, a reasonable fee, not in any case exceeding Rs. 20 in the Court of the Resident or Rs. 10 in a Court subordinate thereto, shall be allowed.

5. The words “the amount or value of the claim” in Rules 2 and 3 mean the value as set forth in the plaint or memorandum of appeal, and, where Court-fees are payable *ad valorem*, the value on which such Court-fees are paid.

III. Interest shall accrue, from the date of disbursement of loans. If the loan is disbursed in instalments, interest on each instalment shall run from the date of the disbursement of such instalment.

IV. *Period allowed for repayment and method of recovery.*—Loans shall be repayable by equal annual instalments discharging both principal and interest, the time allowed for repayment being fixed by the Collector with reference to the convenience of the borrower and the circumstances of the case, but so as not to exceed the maximum period of 10 years prescribed by section 4 (2) of the Law.

The time for repayment specified above, shall count from the date of the payment of the loan, or where the loan is paid by instalment, from the date of payment of the last instalment.

In cases of extraordinary calamity, involving destruction of property, the Resident in Mysore may suspend the payment of instalments of interest and principal for such period as he may think necessary, and may remit an amount equal to the interest due for the period of such suspension. He may also in such cases sanction an additional loan not exceeding Rs. 500 to an individual to whom a loan has already been granted irrespective of the fact that such additional loan may cause the total amount due on account of principal from that individual to exceed Rs. 1,500.

The time allowed for repayment is liable to revision under rule XIV.

Provided that nothing in this rule shall be taken to preclude a borrower from discharging the loan at an earlier period by payment of a larger amount than the annual instalment. The excess so paid shall be credited at once in reduction of principal and the number of future instalments shall, if necessary, be decreased, but no alteration in the amount of subsequent instalment shall be allowed, nor shall postponement of payment of subsequent instalments be permitted.

V. The first repayment of the principal and interest shall not be demanded within less than twelve months from the date of disbursement of the first instalment of the loan.

VI. Repayment may be made at the Resident's Treasury, Bangalore, through the Collector.

VII. Interest at  $7\frac{1}{2}$  per cent. will be charged on all instalment of interest or of principal overdue.

In calculating interest under this rule, a *lapse* period of a month shall be taken as half a month or one month according as it is less or not less than fifteen days, and a rupee\* may be taken as half a rupee or one rupee according as it is less or not less than eight annas.

\* *Sic.* Read "a fraction of a rupee."

V 1. *Security*.—No loan shall be granted unless the value of the security offered exceeds by at least one-fourth the amount of the loan applied for.

The nature of the security to be required shall be—

- (i) the land on which the building is to be erected and the building to be erected thereon; and
- (ii) other lands or buildings, or both, belonging to the applicant.

If the value of the applicant's interest in the lands and buildings aforesaid does not exceed by one-fourth the amount of the loan applied for, further security consisting of lands or buildings or both belonging to other persons willing to become his sureties shall be required.

IX. If at any time the Collector is satisfied that any borrower has failed to perform any of the conditions on which the loan was made, he may proceed to recover forthwith from such person or from any surety of such person, the entire unpaid balance of the loan together with any interest payable thereon and costs, as arrears of land revenue.

X. *Mode of application*.—An application for a loan shall in every case be made in writing to the Collector in Form No. 1 hereto annexed (printed copies of which can be obtained from the Collector's Office free of cost) and may be presented in person or sent by post.

XI. No loan shall be granted without a local enquiry. On receipt of an application the Amildar of the Civil and Military Station or other officer empowered by the Collector in this behalf may be required to make summary enquiry as to the correctness of the entries in the application, and as to the *bonâ fides* and the solvency of the applicant and the sufficiency of the security offered, and submit a report to the Collector.

XII. If after local enquiry and such further investigation as may be deemed necessary, the Collector is satisfied that the loan may be granted, he shall record a decision to the effect that the loan asked for, or a less sum, may be given and then shall at once issue an order granting the loan in Form No. II hereto annexed, which shall be signed by the applicant in token that he understands and agrees to the conditions contained therein. The security bond to be taken in the case of collateral securities shall be in Form No. III hereto annexed.

An order rejecting an application for a loan shall be intimated to the applicant by a notice in Form No. IV hereto annexed.

XIII. *Disbursements of loans*.—Loans may, at the discretion of the Collector, be advanced in one or more instalments.

XIV. *Inspection of works*.—The Collector may make provision for the proper inspection of works in course of construction for which loans have been made and for ascertaining and securing that such loans are duly applied to the purpose for which they are made.

III. Interest shall accrue, from the date of disbursement of loans. If the loan is disbursed in instalments, interest on each instalment shall run from the date of the disbursement of such instalment.

IV. *Period allowed for repayment and method of recovery.*—Loans shall be repayable by equal annual instalments discharging both principal and interest, the time allowed for repayment being fixed by the Collector with reference to the convenience of the borrower and the circumstances of the case, but so as not to exceed the maximum period of 10 years prescribed by section 4 (2) of the Law.

The time for repayment specified above, shall count from the date of the payment of the loan, or where the loan is paid by instalment, from the date of payment of the last instalment.

In cases of extraordinary calamity, involving destruction of property, the Resident in Mysore may suspend the payment of instalments of interest and principal for such period as he may think necessary, and may remit an amount equal to the interest due for the period of such suspension. He may also in such cases sanction an additional loan not exceeding Rs. 500 to an individual to whom a loan has already been granted irrespective of the fact that such additional loan may cause the total amount due on account of principal from that individual to exceed Rs. 1,500.

The time allowed for repayment is liable to revision under rule XIV.

Provided that nothing in this rule shall be taken to preclude a borrower from discharging the loan at an earlier period by payment of a larger amount than the annual instalment. The excess so paid shall be credited at once in reduction of principal and the number of future instalments shall, if necessary, be decreased, but no alteration in the amount of subsequent instalment shall be allowed, nor shall postponement of payment of subsequent instalments be permitted.

V. The first repayment of the principal and interest shall not be demanded within less than twelve months from the date of disbursement of the first instalment of the loan.

VI. Repayment may be made at the Resident's Treasury, Bangalore, through the Collector.

VII. Interest at  $7\frac{1}{2}$  per cent. will be charged on all instalments of interest or of principal overdue.

In calculating interest under this rule, a broken period of a month shall be taken as half a month or one month according as it is less or not less than fifteen days, and a rupee\* may be taken as half a rupee or one rupee according as it is less or not less than eight annas.

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\* Sic. Read "a fraction of a rupee."

# FORM No. 1.

## Form of application for loans under the Bangalore Sanitary Improvements Loans Law, 1906.

1. Name, Father's name and Residence of applicant—
2. Amount of Loan required—
3. Object for which the Loan is required—

| Particulars of the land to be purchased or built upon. |         | Rights of others in the land or building. |   | Security offered. |         |             |                    | Name of the person who offers security and his right in it. |   | Nature and extent of encumbrances, if any, on the property, and if offered as collateral security. |                               | Proposed use of the property. |    |    |    |
|--|---------|---|---|-------------------|---------|-------------|--------------------|---|---|--|-------------------------------|-------------------------------|----|----|----|
| Village, Survey number, and whether the land is dry.   | Extent. | Name.                                     | Nature and extent of right claimed, whether as co-owner, etc. | Survey number.    | Extent. | Assessment. | In the registered. | Description.  | Name of the person who offers security and his right in it. | Nature and extent of encumbrances, if any, on the property, and if offered as collateral security. | Proposed use of the property. |                               |    |    |    |
| 1  | 2       | 3   | 4   | 5                 | 6       | 7           | 8                  | 9   | 10  | 11   | 12                            | 13                            | 14 | 15 | 16 |
|  | Acres.  |   |   |                   |         |             | Acres.             |   |   | Acres.   |                               |                               |    |    |    |

Notes—1. Full information as to applicant's right to purchase or build upon the land should be entered in column 1 and as to the right of the party who consents to give other security in column 2. 2. In column 3 should be entered the date of payment of the loan within which the applicant proposes to repay the loan. This will be the date when the loan is to be repaid. 3. Application for a loan may be prevented or rent by post or otherwise, to the Collector. The application will be free of stamp duty. 4. The loan may be charged with interest at the rate of 12 per cent. per annum, the rate for being granted, and then to result the charge in case of borrower who are known to be poor. 5. The loan may be charged with interest at the rate of 12 per cent. per annum, the rate for being granted, and then to result the charge in case of borrower who are known to be poor. 6. If the grantee of the loan misappropriates the whole or any portion of the loan or derives any profit in any of the conditions of the grant, the whole unpaid balance of the loan with interest and cost will be liable to summary recovery.

### Form of Verification when land or other property is offered as collateral security.

I, the applicant, for the above loan, do hereby solemnly declare that what is stated in the above application regarding the nature and extent of the encumbrances on the property offered as security is true to the best of my information and belief and that I believe there are no other encumbrances on the property.

Signature

Date

Signature.



FORM No. II.

*Order granting a loan under the Bangalore Sanitary Improvements Loans Law, 1906.*

(See Rule XII.)

1. The sum of Rupees \_\_\_\_\_ is granted to \_\_\_\_\_ son of \_\_\_\_\_, residing at \_\_\_\_\_, as a loan under the Bangalore Sanitary Improvements Loans Law, 1906, for the purpose of \_\_\_\_\_, subject to the following conditions:—

A. (1) That the amount of this loan shall be paid to the aforesaid \_\_\_\_\_ in \_\_\_\_\_ instalments on the execution of the necessary security bonds, the 1st on the production of this order at the Resident's Treasury, Bangalore, and 2nd on proof that the 1st instalment has been properly utilized.

(2) That if the 1st instalment has not been utilized within the period of \_\_\_\_\_ or if it shall be proved to the satisfaction of the Collector that any portion of the loan has been applied to any other purpose than that above specified, the whole unpaid balance of the loan with interest at 6½ per cent. and costs, if any, shall be deemed to at once become due.

B. (1) That the loan shall be repaid by equal annual instalments of \_\_\_\_\_, commencing from \_\_\_\_\_. It shall be open to the Collector to reduce the number of instalments and to increase the amount of annual payments so as to recover the loan within a shorter period than herein allowed, if he finds it necessary.

(2) Such annual payment shall be made into the Resident's Treasury, Bangalore, through the Collector.

(3) If default in the payment of any instalment of principal or interest occurs, and recovery cannot otherwise be made, the entire unpaid balance of the loan shall be deemed to at once become due and the whole of the lands or buildings specified under condition (C) or such portion thereof as the Collector may deem necessary shall be sold for the recovery of the amount with interest and expenses of sale, if any.

C. That for the repayment of loan with interest and costs, if any, the immovable property specified below is, in addition to the land for the purchase of which or building for the erection of which the loan is made hypothecated as collateral security to Government.

D. That the building for the erection of which this loan is made be begun within \_\_\_\_\_ months and completed within \_\_\_\_\_ months from the date of payment of the 1st instalment of this loan.

*Collector.*

I have understood and agreed to the aforesaid terms and conditions.

*Signature of the borrower.*

# RECOVERIES.

| Sums to be repaid. |         | Interest at per cent. from the date of loan to date of first instalment, and in subsequent years for one year on the amount shown in column 2. | Sums repaid.             |             |            | Balance due.                             |   |                            | Remarks. |
|--------------------|---------|--|--------------------------|-------------|------------|--|---|----------------------------|----------|
| Year.              | Amount. |  | Amount paid in the year. | Credited to |            | Interest (i.e. column 3 minus column 5.) | Principal, (i.e., difference of column 2 and column 6). | Initials of the Collector. |          |
|                    |         |  |                          | Interest.   | Principal. |  |   |                            |          |
| 1                  | 2       | 3  | 4                        | 5           | 6          | 7  | 8   | 9                          | 10       |
|                    |         |  |                          |             |            |  |   |                            |          |

## FORM No. III.

*The Bangalore Sanitary Improvements Loans Law, 1906 Security bond to be used when immoveable property is mortgaged as security).*

(See Rule XII.)

Whereas  $\frac{\text{has}}{\text{have}}$  received from the Collector of the Civil and Military Station of Bangalore an order under the Bangalore Sanitary Improvements Loans Law, 1906, in virtue of which  $\frac{\text{I am}}{\text{is}}$  entitled to receive the aggregate sum of Rs. \* as a loan from the Government for the purpose of and whereas security for the due application of the loan and for the punctual repayment of the same according to the terms of the order is demanded from  $\frac{\text{me}}{\text{him}}$  :  $\frac{1}{\text{We}}$  the said mortgage to Government the immoveable property

\* Here describe the work to be carried out.

mentioned in the schedule below as security and agree that if  $\frac{1 \text{ fail}}{1 \text{c fine}}$  to comply with the terms on which the loan has been granted either by misapplying the same or by failing to repay any instalment of the said loan or any interest chargeable thereon or costs, if any, incurred in the making thereof, on the date on which it may become due, it shall be lawful for the Collector to recover from the said property such sum as may be necessary to make good the amount which in consequence of the default may be due from me (or him).

**SCHEDULE.**

[illegible]

**BANGALORE:**

Dated 19 .

(Signature of borrower )  
Date

**Witness**

|     |        |            |
|-----|--------|------------|
| (1) | son of | village of |
| (2) | son of | village of |

## FORM No. IV.

*Notice intimating rejection of application under the Bangalore Sanitary Improvements Loans Law, 1906.*

(See Rule XII.)

Application No.                      of                      on the file of the Collector, Civil and Military Station, Bangalore, name                      of village                      is hereby informed that his application for a loan of Rs.                      under the Bangalore Sanitary Improvements Loans Law, 1906, has been rejected for the following reasons:—

*Vide* this office order, dated \_\_\_\_\_ on application No. \_\_\_\_\_

*Collector.*

CIVIL AND MILITARY STATION, BANGALORE,

19 .

NOTE.—This notice should be prepared in duplicate and one copy delivered to the party; if he could not be found it should be left for him with some adult male member of his family residing with him. The other copy should be returned to the Collector with the certificate under the hand of the server as to mode in which the service was effected.

FORM No. V.

Register of applications for loans under the Bangalore Sanitary Improvements Loans Law, 1906.

| Serial number of application. | Date of receipt of application. | Name, father's name, and address of applicant. | Name of locality in which the loan is to be utilized. | Amount of loan required. | Purpose for which loan is required. | Return.           |                           |                   | Whether loan sanctioned or refused. (If refused, give reasons.)<br>Number and date of disposal. | Amount sanctioned; number and date of loan order with reference to the application. | Remarks. |    |
|-------------------------------|---------------------------------|--|---|--------------------------|-------------------------------------|-------------------|---------------------------|-------------------|---|---|----------|----|
|                               |                                 |  |   |                          |                                     | To whom referred. | Date of receipt of reply. | Date of sanction. |   |   |          |    |
| 1                             | 2                               | 3  | 4   | 5                        | 6                                   | 7                 | 8                         | 9                 | 10  | 11  | 12       | 13 |

[Gazette of India, 1907, Pt. II, p. 40.]

BANGALORE HOUSE ACCOMMODATION LAW, 1927.

*Bangalore House Accommodation Rules, 1927.*

*No. 414-I., dated the 12th July, 1927.*—In exercise of the powers conferred by section 33 of the Bangalore House Accommodation Law, 1927<sup>1</sup>, the Governor General in Council is pleased to make the following rules to carry out the purposes and objects of the said Law, the same having been previously published as required by sub-section (1) of section 34 of the said Law, namely :—

**RULES.**

1. *Short title and extent.*—(1) These rules may be called the Bangalore House Accommodation Rules, 1927.

(2) They extend to those parts of the Civil and Military Station of Bangalore in which the Bangalore House Accommodation Law, 1927, hereinafter referred to as “ the Law ” is for the time being operative.

2. *Form of notices.*—(1) Every notice prescribed by section 6 or section 7 of the Law shall be in the appropriate form set forth in Schedule A with such variations as the circumstances of each case may require.

(2) The lease referred to in section 7 of the Law shall, as nearly as may be, be executed in the form set forth in Schedule B.

3. *Service of notices.*—Any notice issued under the Law or these rules, if not served by post under section 32 of the Law, may be served by any person authorised by the District Magistrate in this behalf :—

(a) by giving or tendering a duly signed copy thereof to the person to whom it is addressed; or

(b) where the notice cannot be served in the manner specified in clause (a), by causing it to be affixed to some conspicuous part of the house to which it relates, and by publishing it in one vernacular and one daily English newspaper published within the Station.

4. *Petition of appeal.*—Every petition of appeal under section 27 of the Law shall state the grounds of appeal.

5. *Notice of meetings of Committee of Arbitration.*—When a Committee of Arbitration, hereinafter referred to as “ the Committee ” has been duly constituted and each of the members thereof informed by the District Magistrate of the fact by notice as provided in sub-section (1) of section 23 of the Law, the Chairman of the Committee shall, within a week from receipt of such notice, fix the time and place of meeting and give notice of the same in writing to the other members of the Committee, and through the District Magistrate, to the parties concerned.

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<sup>1</sup> Printed *supra*, p. 190.

6. *Contents of notice.*—The notice given to the parties under rule 5 shall state the purpose for which the Committee will assemble, and shall contain a direction to them to produce their evidence, oral and documentary, on the date fixed, or if they are unable to do so, to forward to the Chairman at least seven days prior to the day of the meeting, a list of the witnesses whom they desire to be summoned in their behalf, either to give evidence or to produce documents relating to the matter in dispute.

7. *Chairman to move District Magistrate for issue of process.*—On receipt of the lists of the witnesses and documents, if any, the Chairman shall, if he considers the request made for the attendance of the witnesses named and the production of the documents called for to be reasonable, transmit the list to the District Magistrate for the issue of the necessary processes under sub-section (2) of section 23 of the Law. If he considers the attendance of any witness named or the production of any document called for to be unnecessary, he shall inform the party concerned and the question whether such witness shall be summoned or such document called for shall be determined by the Committee at their first meeting.

8. *Power of Chairman to call additional evidence.*—It shall be open to the Chairman to call for the attendance of witnesses or the production of documents other than those named by the parties and to transmit a list of such witnesses and documents to the District Magistrate for the issue of the necessary process.

9. *Record of Award.*—(1) The Chairman shall record in the award the question for decision, the number of the order of the District Magistrate convening the Committee, the names and status of the members thereof, and the decision arrived at. The award shall be signed by the Chairman and the members of the Committee, and shall be forwarded by the Chairman in duplicate to the District Magistrate for disposal.

(2) The dissent of any member from any decision of the Committee of Arbitration with his reasons, therefor, shall, if such member so request, be attached by the Chairman to the proceedings.

10. *Power to correct mistake.*—The Committee shall have power to correct any clerical mistake or error in its award which may have arisen from any accidental error or omission.

11. *Power of entry and inspection.*—The Committee, or any members thereof or any person specially authorised by them in this behalf may enter into or on any building or land, which is the subject of arbitration; and may make such inspection and may cause such expert examination to be made as they think fit.

12. *Contents of requisition for reference to Committee.*—Every requisition for reference of any question to a Committee of Arbitration shall set forth the grounds upon which the applicant relies.

13. *Replacement of member dying or becoming unable to act.*—Where any member of the Committee dies or becomes incapable of acting, the officer or the owner as the case may be, who nominated him shall nominate another person in his place within seven days from the date on which he is called upon to do so: and if he fails to do so, the District Magistrate shall forthwith appoint a member in his place.

14. *Supply of copy of award.*—The Chairman shall furnish a copy of the award to each of the parties free of charge and shall then forward the original to the District Magistrate.

15. *Limitations on power of entry, etc.*—Any power of entry, inspection, measurement or survey conferred by the Law or these rules shall be exercised in accordance with the following provisions, namely:—

- (a) such power shall be exercised only between sunrise and sunset;
- (b) in the case of an occupied building or occupied land such power shall not, save with the consent of the occupier, be exercised unless twenty-four hours' notice in writing has been given to the said occupier;
- (c) when in the exercise of such power a building used as a human dwelling is entered, due regard shall be paid to the social and religious sentiments of the occupiers; and no apartment in the actual occupancy of a woman shall be entered until she has been informed that she is at liberty to withdraw, and every reasonable facility has been afforded to her for withdrawing.

16. *Penalty for obstruction.*—Whoever obstructs any person, not being a public servant within the meaning of section of the Indian Penal Code, in any entry, inspection, measurement or survey which such person is authorised to make under the Law or these rules, shall be punished with fine which may extend to fifty rupees, and in the case of a continuing offence with fine which in addition to such fine as aforesaid may extend to five rupees for every day after the first day during which such offence continues.

17. *Duty of absentee owner to appoint agent.*—(1) Whoever, being the owner of any building or land in any part of the Station to which the Law has been applied is absent therefrom, shall appoint some person residing in or near the Station to act as his agent for all the purposes of the said Law, and shall notify such appointment to the District Magistrate in writing.

(2) Whoever fails to appoint an agent or to notify such appointment as required by sub-section (1), shall be punishable with fine which may extend to twenty rupees, and, in the case of a continuing failure, with an additional fine not exceeding five rupees for every day after the first in regard to which he is convicted of having persisted in the failure.



SCHEDULE A.

[See Rule 2 (1).]

FORM I.

*Notice to owner under sub-section (1) of section 6 of the Bangalore House Accommodation Law, 1927.*

To

Whereas I, District Magistrate, Civil and Military Station, Bangalore, consider that the liability imposed by section 6 of the Bangalore House Accommodation Law, 1927, should be enforced in respect of house No. situated at within the said Station of which house you are the owner:—

This is to require you to permit the said house to be inspected, measured and surveyed by on the day of

19 , at A.M.  
P.M.

(Signed)

District Magistrate,  
Civil and Military Station.

Dated

FORM II.

*Notice to owner under clause (a) [and clause (c)] of sub-section (1) of section 7 of the Bangalore House Accommodation Law, 1927.*

To

Whereas on the report of I, District Magistrate of the Civil and Military Station of Bangalore, am satisfied that house No. situated at within the said Station, of which you are the owner, is suitable for occupation by a Military Officer or a Military Mess, and whereas the Resident in Mysore has directed the issue of this notice:—

Take notice that you are hereby required to execute on or before the day of 19 , a lease of the said house to the Government for a period of years:—

And take notice that the amount of the annual rent proposed as reasonable for the said house (\*calculated on the assumption that you will carry out the repairs hereinafter required) is Rs. and that

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\* To be omitted where the owner is not required to execute repairs under clause (c) of section 7 (1).

unless within a period of fifteen days from the service of this notice you require the matter to be referred to a Committee of Arbitration you will be deemed to have accepted the said rent. (\*And take notice that you are hereby further required to execute on or before the            day of 19   , at a total estimated cost of Rs.            the repairs specified in the annexed list, being in my opinion necessary for the purpose of putting the house into a state of reasonable repair.)

List of repairs to be executed.

Nature of repairs. Estimated cost.

Dated            District Magistrate, Civil and Military Station,  
Bangalore.

### FORM III.

*Notice to occupier under clause (b) of sub-section (1) of section 7 of the Bangalore House Accommodation Law, 1927.*

To

Whereas on the report of            I,            District Magistrate, Civil and Military Station, am satisfied that house No.            situated at            within the said Station, of which you are the existing occupier, is suitable for occupation by a Military Officer or a Military Mess, and whereas the Resident in Mysore has directed the issue of this notice:—

Take notice that you are hereby required to vacate the said house on or before the            day of            19   .

Signed.

Dated

District Magistrate, Civil and Military  
Station, Bangalore.

### SCHEDULE B.

[Rule 2 (2).]

### FORM IV.

THIS INDENTURE made the            day of            one thousand nine hundred and            BETWEEN            of            (hereinafter called the lessor which expression shall where the context so admits include his heirs, representatives and assigns) of the one part and THE SECRETARY OF STATE FOR INDIA IN COUNCIL (hereinafter called the lessee which expression shall include his successors in office and assigns) of the other part.

\* To be omitted where the owner is not required to execute repairs under clause (c) of section 7 (1).

WHEREAS the lessor is the owner of the premises intended to be hereby demised AND WHEREAS the said District Magistrate has by notice issued under sub-section (1) of section 7 of the Bangalore House Accommodation Law, 1927 (hereinafter called the Law) required the lessor to execute a lease of the premises hereby demised.

NOW THIS INDENTURE WITNESSETH AS FOLLOWS:—

I. The lessor hereby lets and the lessee takes all that dwelling house situate in <sup>Road in</sup><sub>street</sub> Civil and Military Station, Bangalore, which premises contain by admeasurement or thereabouts and are delineated and coloured on the map or plan hereto annexed TOGETHER with the out-buildings, grounds, garden, trees, fences hedges, ditches, wells, easements and appurtenances whatsoever to the said dwelling house and premises belonging or usually held or enjoyed therewith for a period of years from the day of at the rent of Rs. payable first of such payments being made on

II. The lessee hereby covenants with the lessor—

- (1) That he will pay the rent hereby reserved at the times aforesaid.
- (2) That he will yield up the said dwelling house on the expiration of this lease in a state of reasonable repair.
- (3) That he will maintain the grounds and the garden (if any) appertaining to the said dwelling house in the condition in which they are at the date of these presents.

IN WITNESS whereof the Lessor and (add designation) by the order and direction of the Governor General in Council acting in the premises for and on behalf of the Secretary of State have hereunto set their hands this day of 19 .

Signed by the abovenamed in the presence of  
Signed by the said (add designation) by the order and direction of the Governor General of India in Council acting in the premises for and on behalf of the Secretary of State in the presence of

[*Gazette of India*, 1927, Pt. I. p. 711.]